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6 PROSPECT, KENTUCKY
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13 CITY COUNCIL MEETING
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23 AUGUST 18, 2014
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1 MAYOR EVANS: The ayes have it, and
2 the minutes are approved.
3 My monthly report starts with the very sad
4 message that most of you already know, that our
5 Police Officer, Pat Timmons, one of our best and
6 certainly one of our friendliest, passed away last
7 week, beginning of the week, from an illness that
8 had just been aware of for about two months. And
9 his funeral was Saturday, and it's a loss for many
10 of us.
11 In other matters, there have been various
12 things in various neighborhoods that I could
13 discuss, but I think those -- many of them tend to
14 be private matters. I will mention in Bridgepointe
15 that MSD is talking with the neighborhood
16 association, whose president is here tonight,
17 David Warner regarding putting a turnaround just
18 behind the entrance building at the entrance to
19 Bridgepointe.
20 And they all seem to be on the same page. I
21 was in a meeting with them just a few days ago, so
22 that's going forward.
23 Another matter, the audit for the last fiscal
24 year is almost completed. We expect it'll be
25 completed at least within the next week, and will

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1 CITY OF PROSPECT, KENTUCKY
2 CITY COUNCIL MEETING
3 AUGUST 18, 2014
4 MAYOR EVANS: All right. The August
5 18th, 2014 regular monthly meeting of the Prospect
6 City Council will please come to order. The record
7 should show that all six members of the city
8 council are present.
9 And the first item of business on our agenda
10 is to consider approving the minutes of last
11 month's July 21st City Council Meeting. Those
12 minutes have been distributed to the council
13 members. Does anyone have a motion to make,
14 either to approve them as written or to amend
15 them?
16 COUNCIL MEMBER FULCHER: Move to
17 approve.
18 COUNCIL MEMBER BOWLING: Second.
19 MAYOR EVANS: Moved and approved -- I
20 mean, move and seconded to approve the minutes
21 as written. All in favor, say "aye."
22 COUNCIL MEMBERS: Aye.
23 MAYOR EVANS: All opposed.
24 COUNCIL MEMBERS: [no audible
25 response]

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1 be presented to this city council at next month's
2 meeting for their consideration and possible
3 approval.
4 Another piece of information that just came
5 across my desk in the last few days, the what is
6 now Kroger Shopping Center until fairly recently
7 was owned by Montford Helm, Monty Helm. Mrs.
8 Helm -- and I understand Monty may be suffering
9 some kind of disability.
10 Anyway, Mrs. Helm has proposed to give the
11 city by a quitclaim deed a strip of land along
12 Timber Ridge Drive, which would be near the
13 Kroger gas station, but just between there and
14 River Road, right across from Smithfield Green.
15 We've just begun to look into this. Grover
16 sent me and Danny Levco [phonetic] an email very
17 recently. I won't read it or go into the details, but
18 when some of those fact details have been ironed
19 out, it will come before this council for them to
20 discuss and decide whether this is something that
21 they would want to have happen. So at this
22 moment, it's just something that we've just become
23 aware of.
24 Finally, I just wanted to say a few words about
25 what's going on in Prospect regarding our

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1 landscaping. I have prepared and given to each
 2 member of the city council -- and for those of you
 3 interested, let me know, and I will prepare and
 4 give a copy to you -- our -- our landscaping
 5 consultant, Andrea Hanlon [sic], report to the City
 6 of Prospect dated just four days ago; August 14th.
 7 It's four pages long.
 8 When you read it, you get a -- a great deal of
 9 the sense of what she is doing and where we are
 10 headed. She, in a nutshell, first of all, is
 11 supervising as closely as any person possibly can
 12 our current landscape contractor, Edwards
 13 Landscaping. She is a marvel of patience and
 14 persistence, and details a lot of that.
 15 It also lays out where we would like to go with
 16 our landscaping efforts between now and next
 17 spring, next early summer, and she talks in here
 18 about short windows of opportunity. An example of
 19 that is power seeding for new grass, and the
 20 window of opportunity for that is from right about
 21 now until maybe the first week of September.
 22 And so that's pretty short. That's two or three
 23 weeks. And she's moving on it, and I've
 24 authorized her to go ahead and move on it. And
 25 that's just one example of some of the things.

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1 She also talks in here about replacing bushes
 2 and trees that -- where we've had to remove or
 3 chose to remove dead or dying bushes and trees.
 4 One of her mantras is sometimes less is more.
 5 And, certainly, where the vegetation you have is
 6 dead or dying, that's -- that's very true.
 7 So our first step has been to try to remove
 8 dead or dying things. Unfortunately, the holly tree
 9 where you exit Hunting Creek was half destroyed
 10 by somebody who didn't know what they were
 11 doing, and she pronounced it probably
 12 unsalvageable, so we had to take it down.
 13 And that was too bad, but that's the theory
 14 and that's what's in here. And anybody who wants
 15 a copy of this, please let me or Holly know, and
 16 we'll make you -- it's four pages long.
 17 With that, I would like to ask Julia Clore, if
 18 she's here, if she has anything else to say about
 19 the audit update. Do you, Julia?
 20 MS. CLORE: No, you pretty much
 21 covered it. The auditor just said the books look
 22 really good, and that he didn't have any major
 23 questions or any hurdles, any -- everything was
 24 going really smooth.
 25 MAYOR EVANS: All right. Thank you.

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1 With that, we'll move into committee reports.
 2 And the first is the Parks and Public Lands
 3 Committee. Who's here to do that?
 4 COUNCIL MEMBER MILES: I'll do that,
 5 Mayor.
 6 MAYOR EVANS: All right, Stuart.
 7 COUNCIL MEMBER MILES: Linda
 8 Wardell's out of town.
 9 We have a new Eagle Scout project at Putney
 10 Pond & Woodlands along the -- what is now the
 11 multi-use trail used to be the old road is a new
 12 picnic area done by an Eagle Scout. It is a large
 13 gravel area next to the pond with three cedar
 14 picnic tables, absolutely beautiful. If you haven't
 15 had a chance to see that, I recommend you do it.
 16 We repaved that road at the beginning of this
 17 year, and we've also added a connecting path to
 18 Timber Ridge at the beginning of the trail by 42.
 19 So it's a -- a lovely spot to go sit and watch the
 20 birds and enjoy a little picnic.
 21 We also have an Eagle Scout project that I
 22 mentioned last week for those who aren't here --
 23 weren't here. A scout is going to do mile mar --
 24 actually, 1/10-of-a-mile markers on the trails in
 25 Harrods Creek Park, so that when you're going

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1 through the park, you'll know exactly how far
 2 you've gone down each trail. And people like to
 3 know how far they go; plus if you were to trip and
 4 fall and needed to call the police, you could easily
 5 let them know where to you find the body.
 6 We have a -- we -- we are continually having
 7 Eagle Scouts approach us with new projects. Part
 8 of this has to do with just the amount of parkland
 9 we have now, we have almost 140 acres of parks in
 10 Prospect; and also the fact that the city council
 11 offered up a 50 -- 50% matching funds for any
 12 project done in the City of Prospect by an Eagle
 13 Scout.
 14 We also are putting beautiful brass plaques on
 15 each Eagle project so people know who the Scout
 16 is and the troop they're with. We had to do about
 17 20 plaques to catch up with all the projects that
 18 have been done, and those are being installed as
 19 we speak; but, going forward, that will be a part
 20 of -- once the project's done, we'll do the plaque
 21 and put it up for the Scout.
 22 So far they have done park persons, kiosks,
 23 boardwalks, picnic tables, and various other types
 24 of similar projects. And they're all beautifully
 25 done and have been a great asset to our parks.

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1 I met recently this weekend with a contractor.
 2 We are putting in two swinging benches -- benches
 3 in Harrods Creek Park on the Orange Trail, which
 4 is the trail that MSD is completing for us. And we
 5 did some test digs to make sure that we could
 6 actually install them in this wooded area.
 7 It's beautiful. It's on a bluff overlooking the
 8 creek. And it's on two knobs of land that come out
 9 on top of this hill, so it's like on a -- you're on a
 10 veranda overlooking the creek with 180 views.
 11 And we're going to have these beautiful cedar
 12 swinging benches.
 13 And so we have confirmed that they can, in
 14 fact, be installed there, so we'll start ordering the
 15 benches and the lumber. And we hope to have
 16 those completed when that trail hopefully opens
 17 next spring.
 18 MSD is completing their work on that trail.
 19 They should be doing the final seeding within the
 20 next few weeks, as the mayor has mentioned.
 21 That's kind of the prime seeding time. And we
 22 want to give that plenty of time for that grass to
 23 come in and be cut several times before we open
 24 the park up.
 25 I think we mentioned last time, and I don't

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1 want to step on Lee, but we've been working with
 2 Forestation Board on doing a massive tree planting
 3 of over 110, 120 trees this late fall and early
 4 winter along that trail, and the funds are coming
 5 from the agreement we reached with MSD to sell
 6 them that easement.
 7 So that's what's going on. We're going to
 8 doing a lot of trail building in the next four or five
 9 months, and if anybody's interested in that, you
 10 can approach me after the meeting, or you can go
 11 to our new website where you can actually sign up
 12 to be a volunteer for our Parks and Recreation
 13 Committee. Thank you, Mayor.
 14 MAYOR EVANS: Stuart, do you think
 15 Lynn has anything to add to your report?
 16 COUNCIL MEMBER MILES: Lynn, go
 17 ahead.
 18 MR. GRANGER: Well, we've got two
 19 folks doing the trail markings, doing that.
 20 COUNCIL MEMBER MILES: And, Lean,
 21 can you give the names? I didn't see you there,
 22 and I -- I for -- I -- I rely on Linda too much.
 23 MR. GRANGER: And I -- and I didn't
 24 bring it. I forgot. My apologies.
 25 COUNCIL MEMBER MILES: Okay.

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1 MR. GRANGER: Charlie Deemer was the
 2 one that did the benches this week.
 3 COUNCIL MEMBERS: Okay.
 4 MR. GRANGER: So he's -- they got those
 5 things finished. And then the other two scouts,
 6 they have yet to do their writeups yet, so we get a
 7 writeup, we know where to go, so we're looking at
 8 it, but hopefully we'll be able to do those in
 9 October.
 10 MAYOR EVANS: Okay. Thanks, Stuart.
 11 Mr. Tucci, Forestation Board --
 12 MR. TUCCI: Yes, there will be two --
 13 MAYOR EVANS: -- do you have anything
 14 to report?
 15 MR. TUCCI: -- reports tonight. Christy
 16 Kramer will give the first one, because I was
 17 absent from the Forestation Bu -- Board meeting.
 18 And she -- she chaired that meeting and will report
 19 on that.
 20 MAYOR EVANS: Okay.
 21 MR. TUCCI: And then I'll talk separately
 22 about the air stream project.
 23 MAYOR EVANS: And a twofer. Thank
 24 you, Chris.
 25 MS. KRAMER: Yeah, we're doing the tag

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1 team. Anyway, the -- the board reviewed a
 2 confirmed removal of two different trees. One is a
 3 white pine at Chestnut Hill, another was a tree at
 4 7304 Hunting Creek Drive that were both in very,
 5 very poor condition and confirmed by our arborist,
 6 Andrea.
 7 Linning [phonetic] will occur in the fall.
 8 We've discussed particular areas that need
 9 linning, and Andrea is working with Edwards to get
 10 that done, but it's probably going to be fall before
 11 that actually occurs.
 12 She's also working on a plan for Putney Pond
 13 featuring native trees, and she's very
 14 knowledgeable. She's also looking at trees that
 15 would benefit the wildlife, which kind of neat, but
 16 not in a bad way with the deer. We're -- we're less
 17 harmful wildlife.
 18 And the board reviewed the new nuisance
 19 ordinance to see how that affects the actions that
 20 we've taken and to clarify our role. And it's
 21 actually going to make it much easier, the process,
 22 for removing dangerous trees. It's always been
 23 frustrating, because there's a tree that's just
 24 hanging over the road, and we had to go through
 25 this process of sending letters and waiting, you

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1 know, 30 days. And it was dragging on, so we
 2 were really happy to see that new ordinance
 3 covered fast action on that.
 4 And we were just trying to clarify a -- an
 5 appropriate -- the city official who's authorized to
 6 do that, and they decided that was the mayor.
 7 Is there anyone else authorized to do that
 8 emergency. . .
 9 MAYOR EVANS: Who decided this?
 10 MS. KRAMER: Well, that's what it -- we
 11 were clarifying with the city staff, because that
 12 very last thing says an authorized city official may
 13 immediately --
 14 MAYOR EVANS: So the city staff dumped
 15 me in; right?
 16 MS. KRAMER: I just wanted to clarify
 17 that. That was our understanding, is that --
 18 MAYOR EVANS: Okay.
 19 MS. KRAMER: -- that that's it.
 20 MAYOR EVANS: All right. We'll -- we'll
 21 talk after the meeting. Is that okay?
 22 MS. KRAMER: All right. Okay all right.
 23 COUNCIL MEMBER MILES: I -- I have a
 24 quick question.
 25 MS. KRAMER: Yes.

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1 COUNCIL MEMBER MILES: I know I sat
 2 in on your last two meetings, and there's a tree in
 3 Putney Pond near the circle that is dead.
 4 MS. KRAMER: Okay. Yeah.
 5 COUNCIL MEMBER MILES: And there
 6 was talk about removing that tree, as well.
 7 MS. KRAMER: That is scheduled to be
 8 removed. I believe --
 9 COUNCIL MEMBER MILES: Okay.
 10 MS. KRAMER: -- last -- not this meeting,
 11 but the last one I think we approved that.
 12 COUNCIL MEMBER MILES: Okay. Good.
 13 MS. KRAMER: It's probably just not
 14 happened yet --
 15 COUNCIL MEMBER MILES: All right.
 16 That's --
 17 MS. KRAMER: -- but I will check on that.
 18 I'll ask about that.
 19 COUNCIL MEMBER MILES: All right.
 20 MS. KRAMER: Anything else?
 21 [no audible response]
 22 MAYOR EVANS: Christy, thank you very
 23 much.
 24 MS. KRAMER: Uh-huh.
 25 MAYOR EVANS: I can't imagine what Mr.

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1 Tucci could add, but please go ahead.
 2 MS. KRAMER: He's going to ask for
 3 money, I think.
 4 MAYOR EVANS: Fresh out.
 5 MR. TUCCI: I just want to talk a little bit
 6 about the -- the planting project for the MSD sewer
 7 line area in Hunting Creek Park. Stu Miles has
 8 already talked about that a little bit.
 9 We've been working on -- on this for some
 10 months. We are -- are -- originally about 700
 11 trees were taken out by MSD. Some of them were
 12 good trees. Some were not so good, but they
 13 compensated the city specifically \$42,000 for tree
 14 removal, damage, or loss of trees.
 15 And we're proposing to spend about 25,000
 16 late this fall to put in around 120 trees, with the
 17 selection of trees coming from our city arborist,
 18 Andrea Hanlon, and also from a list prepared for
 19 us by Robert Bean, who's a state forester and who
 20 surveyed that land for us some time back.
 21 And then the planting would be done by --
 22 really by a professional group, the Homestead
 23 Conservatory, the people normally employed by
 24 them, and, basically, they're going to subcontract
 25 to us a certain team that put in -- put in trees. So

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1 I think we would have a good planting capability.
 2 I've outlined all these numbers on a sheet
 3 that's given to council, and there were some
 4 available, also, for people to take up when they
 5 came in. That will still leave us around \$17,000
 6 out of the original 42 for planting further in either
 7 2015 and even to 2016.
 8 We want to see how the first planting goes,
 9 how the trees grow, how things look, and see what
 10 MSD leaves us. They still have to take out the --
 11 the pumping station and clear that area, and that'll
 12 be a final step. So we would expect them to be
 13 doing some of the work beyond this fall/winter time
 14 plant.
 15 MS. MCGRAIL: I have question. We are
 16 talking by Harrods Creek Park.
 17 MR. TUCCI: Harrods Creek Park; right.
 18 MS. MCGRAIL: Okay. It says Hunting
 19 Creek Park on the handout, so I was just --
 20 MR. TUCCI: Yeah, Christy had
 21 mentioned --
 22 MS. MCGRAIL: Harrods Creek Park.
 23 MR. TUCCI: -- Putney area -- that's just
 24 along that new road into Putney Pond.
 25 MS. MCGRAIL: Oh, it's there.

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1 MR. TUCCI: You know, it's only, like,
 2 100-yards long or something. And there's a big
 3 dead tree we want to take out, and -- and there's a
 4 bare area there along the pond side. And our
 5 consultant prepared our short list of trees to put in
 6 there just to spruce up that area.
 7 And of our members also just suggested
 8 putting in a bench or two where people could sit
 9 and look at the -- look at the pond, Putney Pond,
 10 and -- but -- but that's a separate project, and
 11 we're -- still have to work on that.
 12 MAYOR EVANS: Lee, for the people who
 13 may not know, and you were throwing around these
 14 17,000, 25,000 --
 15 MR. TUCCI: Right.
 16 MAYOR EVANS: Would you explain to
 17 them where that money comes from?
 18 MR. TUCCI: Yes. I'll try to do that. As I
 19 said, originally, MSD, when they took over that
 20 right-of-way for the sewer line in Hunting Creek
 21 Park, which runs right along Harrods Creek, they
 22 paid various amounts for the right-of-way, plus
 23 \$42,000 for tree damage, which we regard as a
 24 separate fund for tree replacement.
 25 And, as I said, we're planning to spend

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1 roughly 25,000 of that 42 this fall/winter. The bulk
 2 of it would be 12,000, somewhat, for actually
 3 purchase the trees, and another 7,000 for the
 4 planting of the trees and everything else that was
 5 either miscellaneous or contingency in case we
 6 have problems. And -- and the whole thing adds
 7 up to about 25,000.
 8 Out of the original 42, 25, that leaves us
 9 about 17,000 of our tree moneys to spend in 2015
 10 or 16 after we see how things are going and make
 11 a further plan about exactly where to put the trees.
 12 The first planting sites have already been
 13 identified with the team effort by Stuart Miles and
 14 Andrea Hanlon, and also our -- our Parks
 15 Committee chairperson.
 16 So that's where -- that's where we are. Linda
 17 Wardell was a part of that team that went -- went
 18 over that area. Anything else?
 19 [no audible response]
 20 MAYOR EVANS: I guess that's it. Thank
 21 you, Lee.
 22 Mrs. Leonard, Library Committee.
 23 COUNCIL MEMBER LEONARD: The
 24 library is functioning very well. We're welcoming
 25 two new regular volunteers. Tom Wills, the ex-

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1 weatherman, and Mike Powers are going to be
 2 working up there with me, and we're grateful for
 3 both of them.
 4 We want to remind you-all about Sally
 5 Bingham's book signing on September 15th at 2:00,
 6 and we're already starting to get ready for the next
 7 book sale.
 8 MAYOR EVANS: And on the website,
 9 would you like to do it or would you like Kathy
 10 Sauer, who's sitting back there, to do it?
 11 COUNCIL MEMBER LEONARD: It's up to
 12 you.
 13 MS. SAUER: Go ahead, Sandra.
 14 MAYOR EVANS: I'm asking you.
 15 COUNCIL MEMBER LEONARD: It's up
 16 to --
 17 MAYOR EVANS: Kathy, do you want to
 18 report on the website?
 19 COUNCIL MEMBER LEONARD: That's
 20 okay.
 21 MS. SAUER: Actually, the website's
 22 gone very well, and the only major project still left
 23 is getting the city financials on. And we had a
 24 meeting a week ago with Julia Clore and with Holly
 25 LeVold, and we are halfway toward getting that

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1 accomplished.
 2 It's -- it's really quite complicated, but what
 3 eventually you'll be able to do is go online and
 4 find out how much money we've spent, for
 5 example, on snow plowing.
 6 And, ultimately, it will be archived by year, so
 7 you'll be able to look back to last year and figure
 8 out; or you can go on and you can say, "I wonder
 9 how much money the city gave to Joe Blow, the
 10 manufacturing company?" And you'll be able to do
 11 that. So it's -- it's going to be a fairly
 12 sophisticated financial research tool for people.
 13 Anyway, that -- it's going well, and that's our
 14 last major component. If you find anything that's
 15 not working on the website that we need to modify
 16 or, for whatever reason, there's been a link
 17 broken, by all means, please let us know so that
 18 we can go in and fix it.
 19 MAYOR EVANS: Thank you.
 20 COUNCIL MEMBER MILES: And I would
 21 like to add for those of you who weren't here
 22 before, the Parks component they put in is
 23 amazing. You can go to each park and click on a
 24 map of the park; and then you can click on points,
 25 and it'll show you pictures of -- as you go down

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1 the trail.
 2 So you can really kind of get a feel for the
 3 park just by clicking on these hyperlinks of the
 4 map.
 5 COUNCIL MEMBER BRAB: It's sort of a
 6 virtual hike.
 7 COUNCIL MEMBER MILES: It's like a
 8 virtual hike; exactly. You don't even have to go
 9 there; just go to the website.
 10 MAYOR EVANS: Okay. Jacquelyn
 11 McGrail, could you give us a little update on the
 12 Landscape and Beautification Committee --
 13 MS. MCGRAIL: Well, I don't have too --
 14 MAYOR EVANS: -- or have I already
 15 stolen your thunder?
 16 MS. MCGRAIL: You already stole my --
 17 gave my report, but, basically, we had a meeting
 18 on August 5th, and Andrea is working very hard
 19 with Edwards. And anyone who drives around can
 20 see the difference as dead and declining and ugly
 21 plants are removed from the landscape.
 22 And so the projects for this fall will be
 23 working on the turf, which can involve fixing
 24 irrigation systems that are not functioning well;
 25 killing off the old grass that's full of weeds, and

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1 monitor power seeding -- amending the soil and
 2 power seeding new lawn -- and this is the
 3 entrances and medians -- removing bad plants;
 4 buying trees wholesale and planting them, and
 5 working up designs for the first two major projects,
 6 which will be the Fox Harbor and Hunting Creek
 7 entrances.
 8 So we've got to get some plans made with a
 9 designer for new plantings in those areas, and
 10 then we'll move from there next year.
 11 MAYOR EVANS: Okay. Thank you. Any
 12 questions?
 13 [no audible response]
 14 MAYOR EVANS: All right. History Book
 15 Committee, you're back on.
 16 COUNCIL MEMBER LEONARD: The
 17 history book is going well. It -- it -- I just came
 18 back from vacation. I was sitting there had
 19 listening to two people eating dinner in Savannah,
 20 Georgia, and one of them's saying to the other,
 21 "It's so hard to get this book together. No one's
 22 ever written anything before, so it's nowhere."
 23 And that's in a way what we feel, because
 24 nobody's written a history of Prospect, and so
 25 we're having to gather things from all different

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1 areas.
 2 Right before I left on vacation, somebody who
 3 is a research assistant at the Filson Club had just
 4 completed something -- which I haven't yet, I'm
 5 going to go see it this week -- but they have put
 6 together what they've got in regard to Prospect.
 7 So if you know anybody who wants to share
 8 old pictures or stories or anything else, we'd love
 9 to have them.
 10 MAYOR EVANS: Thank you. Now we
 11 come to the police report, Chief Sherrard.
 12 CHIEF SHERRARD: Okay. I spoke with
 13 Ms. Timmons this morning. And on behalf of the
 14 family, they would just like to express their
 15 sincere appreciation for the outpouring of support
 16 that they received over the last week.
 17 At -- at the funeral home on Friday, I can't tell
 18 you the number of citizens that came up and
 19 shared personal stories of their involvement with
 20 Pat and things that he did for citizens out here in
 21 Prospect.
 22 And -- and I can tell you that we were all very
 23 proud of him. He did everything that you would
 24 ask of someone in policing in a city like this. His
 25 file is literally chock full of letters from citizens

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1 on things where he went above and beyond. So we
 2 were very proud of Pat and his service to
 3 Prospect.
 4 He had 41 years of service as a policeman; 30
 5 with Louisville Metro -- or, actually, the City of
 6 Louisville, and then last 11 here. So that's
 7 something to be very proud of.
 8 Larry Johnson is actually retiring at the end of
 9 this week. He'll finish his third stint with
 10 Prospect, so --
 11 MAYOR EVANS: I was going to say,
 12 again?
 13 CHIEF SHERRARD: He's kind of -- he's
 14 kind of like a bad penny. He just keeps coming
 15 back, so -- or gum on your shoe or whatever you
 16 want to refer to it, but I -- I think he's done for --
 17 for sure now.
 18 As most of you know that on July 24th we had
 19 an accident out front that involved two police
 20 officers, that they were rear-ended by a pickup
 21 truck. Both of them were transported to the
 22 hospital.
 23 One of them had -- or they actually had a brief
 24 stay in the hospital. One of them was back to work
 25 within a few days.

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1 Another one is still off work, and had some --
 2 some physical therapy that we're still working
 3 through, a back and neck issue; is not back to
 4 work, and will not be back to work for the
 5 foreseeable future, "foreseeable" meaning three
 6 weeks or so.
 7 And then two nights later we had an officer
 8 that was involved in a foot purch -- foot pursuit
 9 chasing someone who was involved in a strong-arm
 10 robbery, which is, basically, a shoplifting gone bad
 11 from the Kroger's, and injured an ankle but was
 12 just gone for a week and is now back to work at
 13 full strength.
 14 So we -- we definitely had some personnel
 15 challenges where we were short, so -- but we
 16 managed to cover the street with minimal staffing.
 17 I can't say that we had adequate staffing, but we
 18 had minimal staffing.
 19 I'm sure most of you know that the Ironman is
 20 once again coming through Prospect. It's this
 21 Sunday. Traffic's going to be heck on wheels, at
 22 least from about -- by the time they get on bikes
 23 down here, it's around, what, 7-ish in the morning,
 24 and it doesn't really clear out until about 2 in the
 25 afternoon.

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1 So they've done a much better job in the last
 2 few years of handling that traffic. Hopefully
 3 they'll do -- they'll do okay this time around.
 4 They've put better staffing on the bike route over
 5 the years because of problems that they've had.
 6 So usually the Sheriff's Department and
 7 Louisville Metro handle all of those issues on out
 8 to Oldham County, and then they take it once it
 9 gets to the county line. Once the bikes come back
 10 into Jefferson County, it's not nearly as bad of an
 11 issue because everything thins out, as it would
 12 after 125 on them.
 13 I think they should all stop and see a
 14 psychiatrist --
 15 [laughter]
 16 CHIEF SHERRARD: -- on their way back
 17 in, because you -- you have to be nuts to do that,
 18 so. . .
 19 Also, we've purchased a -- it's called a traffic
 20 counter speed monitor. I know you've seen along
 21 the side of the road the speed trailers that they
 22 put up that you says Your Speed is This. A lot of
 23 times, with those, they're not real accurate,
 24 because people see those things and they slow
 25 down. And it's not always a true indicator of what

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1 the speed is, particularly in a subdivision.
 2 So we've purchased one that's more in a
 3 stealth mode that you actually drive over some
 4 tubes and you don't even know it's there. It's --
 5 it -- basically, it's locked up against a telephone
 6 pole, so nobody knows that they've run over these
 7 little thin tubes.
 8 It's been on order. It's not in yet. So
 9 hopefully within a week or so we'll get it online
 10 and figure it out.
 11 So we'll put it in a couple of these different
 12 subdivisions where we get consistent complaints,
 13 and -- and we'll get an accurate depiction on what
 14 the speeds are; you know, Fox Harbor, the hills in
 15 there; Gunpowder; all those issues like that; and
 16 Bridgepointe, we've got complaints. So once we
 17 get it in there, we'll have a true picture as to what
 18 our speed issues are there, and then we can work
 19 at it from there.
 20 Let's see. Regarding the numbers, the house
 21 checks were up a little bit, a couple hundred, over
 22 the same period last year. Citations were up
 23 about 30%. That's a re -- a result of working the
 24 Highway Safety Grant, where officers were out on
 25 state-paid overtime working, like, the work zones

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1 up at the bridge, up on 42 by the bridge, and also
 2 on River Road. That's where a majority of those
 3 citations were written for speed.
 4 Some of the -- a couple of the felony reports
 5 we had, we did have two break-ins that were
 6 reported in close proximity to each other. They
 7 were over in the -- Deep Creek/Westover, right
 8 there by the park. They were both in the middle of
 9 the night, where someone came in and, basically,
 10 snatched a wallet off of a counter in the middle of
 11 the night -- it was an unlocked house -- and then
 12 went and attempted to use the credit cards.
 13 In both cases, they -- they were not able to
 14 access the credit card. Attempted to use it at a
 15 store. It didn't go through, so purchases didn't go
 16 through.
 17 On one of those incidents, a neighbor had a
 18 camera system that did capture two white males
 19 that were walk -- that walked past the camera. It's
 20 not a great picture, but at least we could tell that
 21 they were white males. I would call them young
 22 adults. Not good enough that I -- you could say
 23 that you could identify who that was, but it gave us
 24 an idea of what they would look like.
 25 There's been no other incidents like that, so it

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1 may have just been a one-time incident, that they
 2 drove through and just checked doors that were
 3 unlocked. I can't say that there's any particular
 4 group that would have been targeted other than the
 5 recurring theme in this, and they've had some out
 6 in the Louisville Metro area, all of them, I think,
 7 have been unlocked doors.
 8 COUNCIL MEMBER MILES: Where was
 9 this? It was Cowley Park -- by Cowley Park.
 10 CHIEF SHERRARD: That's correct.
 11 COUNCIL MEMBER MILES: Right.
 12 CHIEF SHERRARD: Yeah, one was in the
 13 townhouses, and then the other one was one of the
 14 first houses on Westover.
 15 COUNCIL MEMBER MILES: Gotcha.
 16 CHIEF SHERRARD: A couple of
 17 shopliftings at the Kroger's. There was one of
 18 them that was a -- I would call them a serial
 19 shoplifter. They did, like, seven or eight within a
 20 two-day period, all of them all Kroger's.
 21 They love Kroger's. They wouldn't -- I mean, I
 22 asked her when we got over there. "So why not
 23 Walmart?"
 24 "It's because I like Kroger's."
 25 [laughter]

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1 CHIEF SHERRARD: And I said, "Well,
 2 why do you like Kroger's?"
 3 "Because of the way that their doors are set
 4 up. It's a lot easier to steal from Kroger's." She
 5 still went to jail. She likes Kroger's. She didn't
 6 even get to use her little card to get a discount on
 7 the gas.
 8 [laughter]
 9 CHIEF SHERRARD: That's the kind of
 10 stuff I think about. That's all I have.
 11 MAYOR EVANS: I'd like everybody to
 12 know something. Chief Sherrard mentioned what
 13 he modestly called some little personnel issues.
 14 He's been real shorthanded, and I want you to
 15 know that he personally has been doing the first
 16 shift, which is from 7 a.m. to 3 in the afternoon. I
 17 don't know for how many weeks, but it's been more
 18 than two.
 19 And I -- I kind of -- I kind of admire that. So I
 20 just wanted everybody to know that. That's --
 21 that's the kind of leader he is. He leads from up
 22 in front.
 23 Okay. The next thing on here says Code
 24 Enforcement Board update, but I have no idea
 25 who's going to do that.

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1 CHIEF SHERRARD: I can do it.
 2 Actually, the one situation that we did have was
 3 a -- a sign situation at the -- the dentist's office.
 4 And there was a -- an off-premise sign, I guess is
 5 what we would call it. And that was resolved last
 6 week where the sign was removed.
 7 A citation, actually, was being prepared to be
 8 delivered. And there was a letter that went out the
 9 previous week, and, apparently, there was a
 10 communication issue with who received the letter
 11 at the dentist's office and who was a person that
 12 could have actually taken care of the problem.
 13 Once that was discovered, they said we would
 14 have it out first thing in the morning. And, low
 15 and behold, they had someone taking the sign
 16 down the following morning without any further
 17 issue.
 18 So that was the one that we had that stood out
 19 and was resolved.
 20 MAYOR EVANS: At some point in a little
 21 bit, we'll be talking about the proposal to hire a
 22 code enforcement officer, but that will come up in
 23 discussion of an amendment to the budget
 24 ordinance and an amendment. And you've already
 25 seen the monthly sta -- statistics, so we're through

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1 with everything under your heading.
 2 CHIEF SHERRARD: Yes, sir.
 3 MAYOR EVANS: And that does bring us
 4 to the first reading of this proposed ordinance,
 5 and it's in the council packet. And I think I've
 6 asked Stuart if he would read it, or Sandra. One
 7 of you read this.
 8 COUNCIL MEMBER TUCCI: [reads] City
 9 of Prospect, Ordinance Number 537, Series 2014,
 10 an ordinance establishing a budget for the general
 11 fund of the City of Prospect for the fiscal year
 12 beginning July 1, 2014 and ending June 30, 2015.
 13 How much more of this do I --
 14 MAYOR EVANS: That's enough.
 15 COUNCIL MEMBER TUCCI: That's
 16 enough; okay.
 17 MAYOR EVANS: That's enough.
 18 CITY ATTORNEY POTTS: I -- I would
 19 suggest that maybe we have instead of an
 20 "ordinance establishing" an "ordinance amending."
 21 COUNCIL MEMBER TUCCI: Amending;
 22 okay.
 23 MAYOR EVANS: All right.
 24 CITY ATTORNEY POTTS: And -- and
 25 instead of "a," "the," so "an ordinance amending

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1 the budget."
 2 COUNCIL MEMBER TUCCI: Okay.
 3 CITY ATTORNEY POTTS: And I don't
 4 think that needs to be read again.
 5 MAYOR EVANS: And I'm going call for
 6 discussion in one second. First, I just want to say
 7 for the benefit of everyone who doesn't have this
 8 right in front of him or her, that what this proposes
 9 to do is to move \$71,000 out of snow removal and
 10 street cleaning, and we will fund those things as
 11 necessary from a different budget, the road
 12 budget, the road fund, and move that \$71,000 into
 13 three other places.
 14 One of them is to hire an individual to be our
 15 code enforcement officer, and also to assist our
 16 maintenance man, Ron Cundiff, in the maintenance
 17 chores that are all over this city. And he's being
 18 stretched very thin. So that's what that almost
 19 \$41,000 is sought for.
 20 19,000 of it is proposed to be moved into what
 21 is called grounds improvement that really boils
 22 down to the landscaping things that were
 23 described by me and by Mrs. McGrail a little
 24 earlier. And that will bring the budgeted amount
 25 from 35,000 to 54,000 for that line item.

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1 And, finally, it proposes to put 11,000 into a
 2 line item called office equipment, and that is so
 3 that we can replace our telephone system, which is
 4 very bad.
 5 So that's what this proposed budget
 6 ordinance -- or budget amendment would do, and
 7 it's open for discussion.
 8 COUNCIL MEMBER MILES: Well, when I
 9 worked with Frank and Jeff Soebal [phonetic] and
 10 the chief on dealing with the nuisance ordinance,
 11 there were two categories at issue. And the
 12 biggest one had to do with enforcement or -- or
 13 lack of enforcement.
 14 And the problem, in -- in my opinion, is that
 15 our police officers do a fantastic job of policing,
 16 but in -- you know, that's kind of their primary job.
 17 They're looking for a crime. Their eyes are kind of
 18 fixed for looking at a certain thing.
 19 And having somebody whose sole job is to
 20 focus on code enforcement issues, which are grass
 21 and signs, which tend to be the bulk, you know,
 22 trees that are leaning, that kind of thing, but I
 23 think it would give -- you know, one person, that's
 24 their -- their main job; plus, it has accountability
 25 in that if it doesn't get done, you knew who to go

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1 to versus it being spread across five, six, seven,
 2 eight police officers.
 3 You know, whenever you don't have
 4 accountability, the job, in my opinion, doesn't get
 5 done as well. So I really like this idea about
 6 having somebody who's dedicated part-time.
 7 I also like the idea of -- because we don't
 8 know how many hours that will take, it's nice that
 9 the time they're not doing that, they can be doing
 10 other services for the city, which I hope, on top of
 11 helping Ron, would be picking up garbage when
 12 they saw it driving through the streets. Not that
 13 we have a lot of it, but when it -- when we see it,
 14 it stands out like a sore thumb in Prospect.
 15 MAYOR EVANS: Anything else?
 16 COUNCIL MEMBER BOWLING: I've got a
 17 quick question about the -- the 54,000 for grounds
 18 improvement. Is -- is there a -- a list of anything?
 19 MAYOR EVANS: Yes, sir. Let me find it.
 20 COUNCIL MEMBER BOWLING: Just a
 21 general, you know, itemization.
 22 MAYOR EVANS: Yeah, I -- I have it.
 23 COUNCIL MEMBER BOWLING: Thank
 24 you, sir.
 25 MAYOR EVANS: I'll pass these out to

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1 the members of the council. This is for Frank and
 2 Sandra. You can separate those, but just let me
 3 keep the top one.
 4 These are our ballpark. I mean, it -- it -- it
 5 shows you some of the things we want to do, and
 6 these are some of the ballpark prices on doing
 7 those things. It doesn't mean we're going to do
 8 them all, it doesn't mean that those places are
 9 precisely right, but it tells you, I think, a pretty
 10 good answer to your question.
 11 Andrea tells us that -- first step in improving
 12 your landscaping consists of getting rid of dead
 13 and dying things that shouldn't be there, and
 14 consists of establishing good turf, good grass.
 15 And so we have begun doing first of those things;
 16 made some progress.
 17 We will be doing, as I said, power seeding
 18 here in -- between now and the next city council
 19 meeting, because this is the window for that. It's
 20 a once-a-year window.
 21 In order to with keep those things alive and
 22 healthy, we also will be repairing our irrigation
 23 systems, our sprinkler systems. So those are
 24 some of the things that are in here.
 25 As we get later in the year, we'll be replacing

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1 some of the shrubs, some of the trees. Those are
 2 some of the things that are in here.
 3 And, also, I'd like to say that, you know, we
 4 don't have to spend all \$54,000 of it. This just
 5 authorizes us to spend up to that amount, if it
 6 come -- if it comes to that, but we don't have to
 7 spend it all.
 8 COUNCIL MEMBER FULCHER: Mr.
 9 Mayor --
 10 MAYOR EVANS: Yeah.
 11 COUNCIL MEMBER FULCHER: -- we
 12 approved a -- and just a number, 35,000, when
 13 we -- we initially did this on -- betting that we
 14 would have to have a significant expenditure. Did
 15 something change that we feel that we need
 16 another 20 grand in this kind of a wish-list thing at
 17 this -- at this point?
 18 MAYOR EVANS: I would say so. I would
 19 say that what has changed is since I proposed the
 20 35 -- actually, I had originally proposed 50,000.
 21 And you said, "Well, we need a plan." And so we
 22 backed it down to 35.
 23 We now have more of a plan than we did
 24 before. For one thing, we've hired a landscape
 25 consultant, which is the single best move we could

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1 possibly have made. And I would say, at 15,000
 2 net a year, she has already earned her money.
 3 She is going to be on top of this thing all the way
 4 down through the end of two years, and she is
 5 doing terrific job.
 6 And she is helping us put together -- I mean,
 7 these figures and these -- this list, she originated
 8 that, Andrea Hanlon did. And at the time that we
 9 passed the budget last June, okay, we didn't have
 10 a landscape consultant. We didn't know that --
 11 actually, I didn't know that such a thing existed,
 12 and now we do.
 13 And so we have made a lot of progress, and
 14 we've developed more of a plan. And we will
 15 continue to develop a more precise plan as we go
 16 down the road. So that's my answer.
 17 COUNCIL MEMBER FULCHER: Well, how
 18 -- how close does the plan get us to spending
 19 \$54,000?
 20 COUNCIL MEMBER BRAB: I -- I totaled
 21 this up, Frank. It's 54,000.
 22 THE REPORTER: I'm sorry, Mr. Brab.
 23 COUNCIL MEMBER BRAB: I totaled this
 24 up, the wish-list sheet. It is 54,000.
 25 COUNCIL MEMBER FULCHER: And one

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1 other -- one other question is Lee is -- Lee is -- if
 2 Lee's [phonetic] got money to spend on trees, and
 3 I -- and I -- and I have a little difficulty coming up
 4 -- coming up with where that money is coming
 5 from.
 6 COUNCIL MEMBER MILES: I'll -- I'll
 7 explain that. When I negotiated the --
 8 COUNCIL MEMBER FULCHER: Well, I
 9 understand all of that. I'm looking --
 10 COUNCIL MEMBER MILES: Right.
 11 COUNCIL MEMBER FULCHER: -- I'm
 12 looking at the -- the financials.
 13 COUNCIL MEMBER LEONARD: We can't
 14 find the line item.
 15 COUNCIL MEMBER FULCHER: The line
 16 item in the financials. I -- I understand you're
 17 negotiating, and an excellent job, and that --
 18 where that money -- but it's got to be sitting
 19 somewhere in these numbers.
 20 COUNCIL MEMBER MILES: Well, no,
 21 it -- well, it is sitting in allocated reserves --
 22 COUNCIL MEMBER TUCCI: Yeah.
 23 COUNCIL MEMBER MILES: -- for trees.
 24 COUNCIL MEMBER TUCCI: Uh-huh.
 25 COUNCIL MEMBER MILES: So it -- it

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1 isn't a -- it's not a line item in your yearly budget.
 2 COUNCIL MEMBER BRAB: It's not in
 3 there.
 4 COUNCIL MEMBER MILES: It is --
 5 COUNCIL MEMBER BRAB: It's capital.
 6 COUNCIL MEMBER MILES: It's capital.
 7 It's a pot of money that we have set aside, not
 8 different from the road aid, where the road aid
 9 doesn't necessarily sit in our budget every year,
 10 but we have a pot of money that we got from the
 11 MSD easement that we can draw from that's just
 12 sitting there separate from the yearly budget that
 13 we do.
 14 COUNCIL MEMBER FULCHER: Okay.
 15 I --
 16 COUNCIL MEMBER TUCCI: And that is
 17 sequestered. In other words, you can't draw from
 18 that to --
 19 COUNCIL MEMBER FULCHER: I -- I
 20 understand, but --
 21 COUNCIL MEMBER TUCCI: -- pay
 22 somebody's salary or whatever.
 23 COUNCIL MEMBER FULCHER: We
 24 have -- we have line items in here, restricted
 25 funds, and you're telling me it's not in there. This

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1 is just money we have somewhere for trees that
 2 it's not --
 3 MAYOR EVANS: Well, that's right.
 4 COUNCIL MEMBER FULCHER: -- in the
 5 financials. It isn't. Isn't that irregular?
 6 COUNCIL MEMBER BRAB: We -- we --
 7 Frank, I would suggest that we just ask the
 8 accountant if it's under 1600, in noncurrent
 9 assets, restricted cash on the balance sheet, Page
 10 Number 3, Modified Cash.
 11 COUNCIL MEMBER LEONARD: That's
 12 reasonable.
 13 MS. CLORE: Can I --
 14 COUNCIL MEMBER BRAB: That's where
 15 it's going to be.
 16 MS. CLORE: -- can I ask --
 17 COUNCIL MEMBER MILES: Yeah, and
 18 that's where --
 19 COUNCIL MEMBER BOWLING: It's got to
 20 be -- it's got to be in there.
 21 MS. CLORE: I -- actually, I noticed that.
 22 It needs a specific line item for me to draw money
 23 out, and it's in the audit from last year listed as
 24 capital outlay for our restricted funds, but it's not
 25 noted for me to actually physically write a check

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1 out of. So I'm actually in the process of figuring
 2 that out with our accountant right now.
 3 So that's -- emails have been sent and we'll --
 4 we're on it. As soon as I get a resolution from
 5 her, I'll cc you on that.
 6 COUNCIL MEMBER FULCHER: Okay.
 7 So --
 8 MS. CLORE: That is separate from -- it
 9 is -- that 42,000 is in no way related to the money
 10 that was approved for the budget last month. It --
 11 it is a totally separate pot. It's just not --
 12 COUNCIL MEMBER FULCHER: I -- I
 13 understand that. My -- my issue is that it doesn't
 14 show --
 15 MS. CLORE: I agree.
 16 COUNCIL MEMBER FULCHER: --
 17 anywhere.
 18 COUNCIL MEMBER MILES: And it
 19 should, Frank. It should be --
 20 MS. CLORE: Yeah, we're missing --
 21 COUNCIL MEMBER MILES: It should be
 22 a separate item say --
 23 COUNCIL MEMBER FULCHER: I
 24 understand. We have a line item, restricted
 25 funds --

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1 COUNCIL MEMBER MILES: Right.
 2 COUNCIL MEMBER FULCHER: -- that
 3 should be a category in there.
 4 COUNCIL MEMBER MILES: Right.
 5 MS. CLORE: Correct.
 6 COUNCIL MEMBER LEONARD: Well, if
 7 she needs it to write a check.
 8 MS. CLORE: Exactly. We're on the same
 9 page. We're on it.
 10 COUNCIL MEMBER FULCHER: Fine.
 11 Thank you.
 12 MS. CLORE: No problem.
 13 COUNCIL MEMBER BRAB: One quick
 14 question, Mayor. On all these items that you put
 15 down, a lot of it will be done by landscapes
 16 companies. Is this going to be bid?
 17 MAYOR EVANS: If it's over 20,000, it
 18 will. It'll have to be. If it's under 20,000, it
 19 probably won't be.
 20 COUNCIL MEMBER BRAB: Okay.
 21 MAYOR EVANS: And it going to be bits
 22 and pieces, so I -- I -- I don't know the answer
 23 sitting here right now.
 24 COUNCIL MEMBER BRAB: Okay.
 25 MAYOR EVANS: Jacquelyn?

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1 MS. MCGRAIL: I was going to say, one
 2 of the things Andrea is going to do is she's
 3 hooking us up with you wholesale sources of
 4 buying the plants ourselves. So rather than have
 5 a contractor buy them and mark that up, we will
 6 buy the plants. The contractor will install them,
 7 which will bring the amounts, you know, down --
 8 break -- break them up into different pieces.
 9 MAYOR EVANS: Yeah. This four-page
 10 document from Andrea that I handed out to you, if
 11 you look on Page 4, it tells you pretty much one of
 12 the things that Andrea and I have discussed. And
 13 that is that come next spring, I anticipate that we
 14 probably will have a different landscape
 15 contractor, because both Andrea and I agree that
 16 that is desirable.
 17 It won't happen until next spring for the
 18 simple reason that the contract we currently have,
 19 which I'll point out was entered into in February of
 20 2013, is an over -- what shall I say, overarching
 21 contract. And it covers not only landscaping, but
 22 snow removal.
 23 And we all remember our theme last winter.
 24 Edwards Landscaping is really good at snow
 25 removal, and I want to keep them there for this

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1 winter.
 2 And so we're not going to -- I don't -- I -- I'm
 3 not going to touch that contract until next spring,
 4 if I'm still mayor -- acting as mayor. So that's my
 5 plan.
 6 We will put out requests for bids to take effect
 7 next spring probably in October or November for
 8 other landscape contractors to do things. So
 9 that's my plan, and I just wanted to let everybody
 10 know about it. It's no big secret.
 11 I told Bob Kurtsinger the same thing. He owns
 12 Edwards, so. . .
 13 Okay. Anything else about the amended
 14 budget ordinance?
 15 [no audible response]
 16 MAYOR EVANS: If not, I think we are at
 17 the end of the agenda, which is comments from
 18 citizens. And any citizen in attendance tonight
 19 who would like to address the council -- well,
 20 we've done that; haven't we? Oh, no.
 21 COUNCIL MEMBER BRAB: Yeah, sign
 22 ordinance --
 23 MAYOR EVANS: I missed something.
 24 Sign ordinance review, that has to come first.
 25 Bill Brab has been the guy who has done

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1 yeoman work on putting this proposed amendment
 2 together, and I'd like him to comment about it and
 3 then anyone else.
 4 COUNCIL MEMBER BRAB: Thank you,
 5 Mayor.
 6 Last month for you -- tho -- those of you who
 7 weren't here, this year, because of some issues
 8 with the sign ordinance and some discussion with
 9 business owners and individuals, the mayor
 10 allowed this council to discuss possible changes to
 11 the sign ordinance that put in a -- a freeze --
 12 moratorium, thank you, moratorium on any signs in
 13 the city.
 14 And so that that wasn't something that was
 15 held up for a long period of time, what I tried to do
 16 is gather thoughts from the council and things I
 17 heard from business folks and individuals that they
 18 felt was a problem with our sign ordinance, and
 19 tried to put it in some simplistic words as
 20 possible.
 21 Was -- was this handed out to the audience?
 22 CITY ADMINISTRATOR LEVOLD:
 23 Uh-huh.
 24 COUNCIL MEMBER BRAB: Okay.
 25 What -- what I -- my first stab at it, and by no

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1 means the last effort at it, is the actual ordinance
 2 itself, Chapter 157, which you-all have picked up
 3 out front, and the changes that I tried to
 4 incorporate into this were in yellow.
 5 Some of it was brand new. Some of it was --
 6 was using existing language. Some of it was
 7 adding to existing language. Some of it was
 8 replacing existing language.
 9 But some of the things that people brought up
 10 were approved colors. They thought that some
 11 signs were rather garish, and we didn't want to get
 12 to be in such an outlandish look out here. So what
 13 I put in there -- and I want to say right up front:
 14 This is a sticky wicket; okay?
 15 Approved colors, I just stayed with the
 16 basic -- the primary colors: Red, yellow, white,
 17 blue, and black. And this is for the sign itself with
 18 the channel lettering. And -- and what you have to
 19 recognize there, and you can look right across the
 20 street through the window, if anybody wants to
 21 look, the UPS Store would not be in compliance
 22 because the UPS logo is not made up of those
 23 colors. So there's your sticky wicket; okay?
 24 That's just one. There's a myriad of them.
 25 Banners, there's been a lot of talk about

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1 people not liking when a business has a two-day
 2 sale, whatever, and they put up these cloth bang --
 3 banners and hang them across the sides of the
 4 buildings. So under the definition of banners, I
 5 tried to clarify that a little bit, which you can read
 6 there.
 7 Turning over to several other pages, one of
 8 the things that people had a problem with or they
 9 expressed with is we're having a proliferation of
 10 monument signs. Does anybody know what a
 11 monument sign is? It's a sign that identifies, for
 12 instance, the shopping center. Kroger has one.
 13 The Kroger Shopping Center, if you're down here,
 14 it's the big blue and white thing that goes up,
 15 and it lists a lot of businesses. There's a big --
 16 that's -- that's a monument sign.
 17 And there are specific definitions in the sign
 18 ordinance that limits the size of those things and
 19 what can be on them. So monument signs was one
 20 of the things that I tried to identify and -- and
 21 work with.
 22 The other thing that -- the biggest item that is
 23 a problem is -- and I want you to kind of go with
 24 math on this, because it's difficult. We had in our
 25 sign ordinance that if you had frontage, which is --

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1 for the sake of argument, is this wall right here,
 2 that wall is approximately 12-foot tall by 20-foot
 3 wide.
 4 If that was the frontage of our business, we
 5 had in our ordinance that you could have a wall
 6 and marquee sign that was limited based on the
 7 size of that frontage lengthwise and also on the
 8 height.
 9 One of the problems that was in the current
 10 ordinance is that you could -- we haven't had it
 11 happen, but there is a business in this -- in this
 12 city that has 60 foot -- 66 foot of frontage. The
 13 facade, which is part of the height of the frontage
 14 on that, is greater than 12 feet. That business
 15 could technically, under our ordinance, have a
 16 sign that would be 6-foot tall and 33 feet long.
 17 Now, do you want to allow the 6-foot signs
 18 and -- that are by -- 6-foot-by-33-foot? Not for me
 19 to decide. I just think that's a problem.
 20 So I tried to address not only the heights of
 21 the signs but the widths of the signs and the
 22 colors of the signs, so that we don't get an
 23 explosion of neon, so to speak, out here. And that
 24 was a -- that's addressed in the very last section
 25 of this, which limits the square footage of the

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1 signs and also the heights of them. So that was
 2 my quick take on my initial take.
 3 I also suggested to the council to -- this is a
 4 complicated issue. And what we do not want to do
 5 is stifle or beat up on our business owners,
 6 because they provide a valuable service to all the
 7 residents of Prospect.
 8 I believe that "X" [phonetic] this particular
 9 written ordinance, I think we should have an
 10 executive summary for any business that wants it
 11 or moves into this community and says, "If you're
 12 interested in a sign, here's Step 1. Here's Step 2.
 13 And this is how big it can be, and this is how many
 14 you get. And that's it," something very simple to
 15 understand on one sheet of paper.
 16 So -- and that has not been written in, by the
 17 way, because we haven't gotten the ordinance
 18 finished yet. So that's kind of my take on it.
 19 And then I think Stuart -- excuse me, Frank
 20 and Sandra worked on some other things that were
 21 also, I believe, in the packet that was handed out,
 22 so I'll turn it over to Frank.
 23 COUNCIL MEMBER FULCHER: We -- we
 24 parceled out several areas of concern in previous
 25 meetings, and this was handed out. The City of

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1 Anchorage has a -- has an excellent sign
 2 ordinance, parts of which we need to discuss it
 3 among ourselves, but it seemed to apply more
 4 comprehensively than our existing ordinance does.
 5 And we were looking -- one of the -- one of
 6 the -- Sandra and I went around when this issue
 7 first surfaced looking at all of the businesses,
 8 actually, in Prospect, and one of -- one of the
 9 most violated portions, in addition to the --
 10 some -- some of the size things that Bill's
 11 addressed, was win -- was window signs; and then
 12 looking into that area to find that we really don't
 13 have a good definition of what a window sign
 14 consists of and how it's to be enforced.
 15 And so we're looking for a way that is
 16 business friendly to identify what we want as a
 17 city, what limitations we want, what's allowable.
 18 And we are, at this point, what my recommendation
 19 has been is that we take the -- the language
 20 from -- the bulk of the language from Anchorage --
 21 Anchorage's ordinance relative to these issues and
 22 use them.
 23 And there's no point in re-inventing the wheel;
 24 modifying it and customizing it to -- to our needs.
 25 And that's -- that's in -- in the packets, also. You

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1 can see the markups in there. And we will be
 2 putting that together at some point in time.
 3 COUNCIL MEMBER LEONARD: [nods
 4 head]
 5 COUNCIL MEMBER FULCHER: Is there
 6 anything else we. . .
 7 COUNCIL MEMBER LEONARD: No. I
 8 think most of us up here are in agreement that our
 9 current ordinance may do everything we hope it
 10 would do, but it doesn't say anything clearly. So
 11 the burden on the people interpreting what is in
 12 our ordinance is quite difficult.
 13 And, again, all of us, I think, without
 14 exception don't want to hurt the business
 15 community, but we also don't want some of the
 16 signage that exists in other communities that are
 17 close to us.
 18 COUNCIL MEMBER FULCHER: And
 19 they're -- trading off of one of Stuart's comments
 20 relative to the code enforcement person, if we -- if
 21 we give this -- if we hire an individual whose
 22 responsibility is code enforcement, he needs to
 23 have a very clear set of guidelines that he can use
 24 to approach people who may be in violation.
 25 So with it -- that is another aspect of what

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1 we're trying to put into this ordinance; the
 2 enforceability, it's to make it as clear -- as clear
 3 cut as possible.
 4 MAYOR EVANS: I believe there's a
 5 provision in the existing sign ordinance that gives
 6 the mayor discretion to waive something. And if
 7 that is in there, I don't want to. . .
 8 COUNCIL MEMBER LEONARD: Actually,
 9 we don't, either. Frank and I have talked about
 10 that. Right now, the -- whoever this person is has
 11 total ability to waive the entire ordinance, and we
 12 don't think that's a good idea. You know, we're
 13 going to -- we -- we were going propose that.
 14 MAYOR EVANS: We agree on that.
 15 COUNCIL MEMBER LEONARD: Uh-huh.
 16 COUNCIL MEMBER TUCCI: I have a
 17 question. Are the things that you have outlined in
 18 yellow, are these things that you want to include,
 19 or are they simply definitions? Do you want to add
 20 them to our -- our sign ordinance?
 21 COUNCIL MEMBER FULCHER: This --
 22 this page will --
 23 COUNCIL MEMBER TUCCI: I'm -- I'm --
 24 COUNCIL MEMBER FULCHER: --
 25 describe the --

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1 COUNCIL MEMBER TUCCI: Well, what
 2 I'm looking at -- for instance, this is -- this is
 3 because I -- what I understand what I'm looking at,
 4 38(b), the very top thing, signs upon a vehicle, I
 5 know that some of the subdivisions in Prospect
 6 don't allow you, if you happen to have a pastry
 7 treats business, to put that on your car and then
 8 park it out in your driveway. Other subdivisions
 9 don't have such rules.
 10 Is this a -- something that would say that
 11 nobody in Prospect can park a commercial vehicle
 12 in his driveway?
 13 COUNCIL MEMBER FULCHER: No, I
 14 think it's -- Sandy, that this intended to address
 15 an issue such as the one we had over here with the
 16 Mortenson's, where somebody came in with a --
 17 with a sign on a trailer and parked it in the front of
 18 their establishment.
 19 COUNCIL MEMBER TUCCI: Okay.
 20 COUNCIL MEMBER FULCHER: And it
 21 constituted a -- an additional sign for that --
 22 COUNCIL MEMBER TUCCI: Rather
 23 than --
 24 COUNCIL MEMBER FULCHER: -- for that
 25 particular business.

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1 COUNCIL MEMBER TUCCI: -- somebody
 2 who has a panel truck with --
 3 COUNCIL MEMBER FULCHER: Right.
 4 COUNCIL MEMBER TUCCI: -- "dry
 5 cleaning" on it or something.
 6 COUNCIL MEMBER FULCHER: Yes.
 7 COUNCIL MEMBER TUCCI: Yeah. Okay.
 8 Thank you.
 9 MAYOR EVANS: Anything else?
 10 COUNCIL MEMBER BRAB: So these are
 11 all what you're proposing, Frank, to include --
 12 CITY ATTORNEY POTTS: Additional.
 13 COUNCIL MEMBER BRAB: -- is
 14 additional definitions in the second --
 15 COUNCIL MEMBER FULCHER: Right.
 16 COUNCIL MEMBER BRAB: -- but still
 17 be -- still be subject to the size requirements that
 18 are in our current ordinance.
 19 COUNCIL MEMBER FULCHER: Yeah,
 20 the --
 21 COUNCIL MEMBER LEONARD: Yes.
 22 COUNCIL MEMBER FULCHER: -- they're
 23 independent of what you've done.
 24 COUNCIL MEMBER BRAB: Okay.
 25 COUNCIL MEMBER LEONARD: And --

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1 and we might modify the words a little bit before --
 2 COUNCIL MEMBER BRAB: Yeah.
 3 COUNCIL MEMBER LEONARD: -- before
 4 it's final.
 5 CITY ATTORNEY POTTS: There -- there
 6 is a provision in the current ordinance that does
 7 provide for the city council to grant variances. I
 8 suggest to you that that's probably something you
 9 don't want to get rid of when you talk about getting
 10 rid of waiving this or waiving that.
 11 COUNCIL MEMBER BRAB: What is that?
 12 Isn't that --
 13 MAYOR EVANS: I remember that
 14 provision, and the circumstances under which
 15 council could grant a variance --
 16 COUNCIL MEMBER LEONARD: Are
 17 very --
 18 MAYOR EVANS: -- are so difficult that it
 19 could never happen.
 20 COUNCIL MEMBER BRAB: Precisely
 21 right.
 22 MAYOR EVANS: So keep if you want it,
 23 but I don't get it.
 24 COUNCIL MEMBER LEONARD: Well, we
 25 had also talked about one of the problems with

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1 that is the person comes down, and -- and we're
 2 sitting here, like, deers in the headlight, because
 3 we don't necessarily have all the background. We
 4 don't know what the problems are. We haven't
 5 gone out and looked at where they want to put the
 6 sign or something.
 7 And we had kind of bounced around the idea
 8 of having some initial fact-finding group, even if
 9 could be three council members, that's not the
 10 issue, that would take a look at it before it came
 11 to the full body.
 12 COUNCIL MEMBER BRAB: Well, that
 13 was the intent of the executive summary. People
 14 who want a new sign or anything would follow that
 15 executive summary, which would then come to the
 16 city clerk.
 17 COUNCIL MEMBER LEONARD: Except --
 18 COUNCIL MEMBER BRAB: And if she
 19 had any questions, she could then take it to the
 20 code enforcement board.
 21 COUNCIL MEMBER TUCCI: That -- that
 22 is what rational people do; but we have had other
 23 people who ran -- ran right out and got the sign
 24 made up, because they were so excited about
 25 having a business, and arrived with the sign a

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1 long time before they had a chance --
 2 COUNCIL MEMBER BRAB: Sorry.
 3 COUNCIL MEMBER TUCCI: -- to read
 4 that excellent executive summary that would have
 5 fixed that problem.
 6 COUNCIL MEMBER BOWLING: On the --
 7 on the variance from the council, if -- if Grover
 8 says we need to keep that, we can keep it. We
 9 just need to remove the restrictions that would
 10 prevent us from ever having -- be able to do that.
 11 CITY ATTORNEY POTTS: Add some
 12 restrictions that you think are reasonable --
 13 COUNCIL MEMBER BOWLING: Are
 14 reasonable; yeah.
 15 COUNCIL MEMBER MILES: I would
 16 rather amend the ordinance than make a variance,
 17 because if it really is something needing a
 18 variance, it's probably more of a systemic problem
 19 anyway if it's legitimate.
 20 COUNCIL MEMBER BRAB: That's not --
 21 and that's not favoritism.
 22 COUNCIL MEMBER MILES: Right.
 23 Exactly. Right. Then -- then it -- you're doing
 24 something fair across the board.
 25 COUNCIL MEMBER BRAB: Right.

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1 COUNCIL MEMBER MILES: And it makes
 2 it, also, much more difficult to do that, so it
 3 doesn't lead to just making willy-nilly decisions on
 4 sight.
 5 CITY ATTORNEY POTTS: Also, and --
 6 and we'll have to -- I'll have to check this, in the
 7 adoption of the Land Development Code, we did
 8 not adopt the signage aspects of the Land
 9 Development Code that Metro did, but I think,
 10 maybe, this is within this purview of Chapter 100,
 11 which is the Planning and Zoning section of the --
 12 of the state statutes.
 13 And it may require that before we adopt this,
 14 once we get it to the point that we understand what
 15 it is and what we want, we may have to run it
 16 through the Planning Commission, notwithstanding
 17 the fact that they can't change it, but we may have
 18 to put that extra step in the process. And I'll --
 19 I'll check that out before we get there.
 20 MAYOR EVANS: So does this mean the
 21 moratorium just keeps going on and on?
 22 CITY ATTORNEY POTTS: A moratorium
 23 is on and on until you, the mayor, say it's no
 24 longer on and on.
 25 MAYOR EVANS: Well, the problem

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1 continues.
 2 CITY ATTORNEY POTTS: The problem
 3 continues.
 4 COUNCIL MEMBER BRAB: What's the
 5 next step?
 6 COUNCIL MEMBER LEONARD: How --
 7 how many people have we got --
 8 MAYOR EVANS: Governor just --
 9 COUNCIL MEMBER LEONARD: -- in the
 10 moratorium?
 11 MAYOR EVANS: -- injected a potential
 12 next step that we weren't aware of until just now.
 13 COUNCIL MEMBER BRAB: So -- but,
 14 again, to -- to get it to where we want to --
 15 MAYOR EVANS: I think the next step, I
 16 would suggest, would be for you and either Frank
 17 or Sandra to sit down and put your suggestions
 18 together into a proposed --
 19 COUNCIL MEMBER BRAB: Okay.
 20 MAYOR EVANS: -- new sign ordinance.
 21 COUNCIL MEMBER BRAB: Okay.
 22 MAYOR EVANS: And Grover will check
 23 and see whether we have to run this through the
 24 Planning Commission and tell us.
 25 COUNCIL MEMBER BOWLING: Do we

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1 have to have a moratorium, though, while we're,
 2 you know, working on this --
 3 MAYOR EVANS: We don't have to. We
 4 don't have to. We're going to have the same with
 5 pink and chartreuse graphic we've got now.
 6 COUNCIL MEMBER LEONARD: Well,
 7 are -- are all of -- how many people are in limbo
 8 because of the moratorium?
 9 MAYOR EVANS: The only limbo that I'm
 10 aware of was they wanted some banners and that
 11 sort of thing across the street, which I couldn't
 12 grant them anyway, so. . .
 13 COUNCIL MEMBER LEONARD: So --
 14 MAYOR EVANS: Even if I hadn't had a
 15 moratorium, I couldn't have granted them and --
 16 COUNCIL MEMBER LEONARD: Exactly.
 17 MAYOR EVANS: -- I wouldn't have.
 18 COUNCIL MEMBER LEONARD: And we're
 19 not going to let you do it in the future, either.
 20 MAYOR EVANS: Holly, I'm not aware
 21 that we've had a sign application since I put the
 22 moratorium up.
 23 CITY ADMINISTRATOR LEVOLD:
 24 Mortenson wants an additional monument sign,
 25 because they claim to have two entrances to two

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1 different buildings, although it's one shopping
 2 center. As they read the ordinance, they see it as
 3 two separate entrances from -- that's there
 4 [phonetic]. So they'd like another monument sign.
 5 COUNCIL MEMBER LEONARD: That --
 6 COUNCIL MEMBER MILES: So is that --
 7 COUNCIL MEMBER LEONARD: -- that
 8 will have to stay in limbo.
 9 COUNCIL MEMBER MILES: Is that
 10 something else we have to address?
 11 COUNCIL MEMBER LEONARD: The
 12 monument signs issue we will.
 13 COUNCIL MEMBER MILES: All right.
 14 But do we think the language that's been proposed
 15 will be able to deal with it?
 16 COUNCIL MEMBER LEONARD: Possibly
 17 not --
 18 COUNCIL MEMBER MILES: Okay.
 19 COUNCIL MEMBER LEONARD: -- as
 20 clearly as it could.
 21 COUNCIL MEMBER MILES: Single free
 22 standing commercial established but not part of
 23 the shopping center under office comp [phonetic].
 24 COUNCIL MEMBER LEONARD: No,
 25 there's another place where it's in there, too, and

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1 that's why they've kind of broken policy.
 2 COUNCIL MEMBERS: Okay.
 3 MAYOR EVANS: So, Bill, what do you
 4 think of my suggestion that you and Frank get
 5 together and --
 6 COUNCIL MEMBER BRAB: Yeah, we'll --
 7 we'll -- we'll get together and totally just put it in
 8 another --
 9 MAYOR EVANS: Yeah, and then we
 10 can --
 11 COUNCIL MEMBER BRAB: -- yellow --
 12 yellow highlighted section.
 13 COUNCIL MEMBER LEONARD: He and I
 14 are going to get together first before you do that.
 15 COUNCIL MEMBER BRAB: Okay.
 16 MAYOR EVANS: Subject to Grover's
 17 approval, we can take it up next time.
 18 COUNCIL MEMBER BRAB: Okay.
 19 We'll -- we'll -- we'll collate it and get everything
 20 to Grover for him to review, and he can do his
 21 land-use thing at the same time.
 22 MAYOR EVANS: How long do you think
 23 that process will take, Grover, if we have to do it?
 24 CITY ATTORNEY POTTS: You mean --
 25 well, it depends on how we would -- you have to

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1 make an application before the Commission, and
 2 then it'll go to a committee, and then it'll go back
 3 to the full Commission. So, I mean, it can take 60
 4 days, but I hope it wouldn't take that long.
 5 UNIDENTIFIED SPEAKER: Could --
 6 could we run it parallel with our first reading?
 7 CITY ATTORNEY POTTS: Yeah. Yeah,
 8 once we have -- once we have the -- actually, we
 9 should probably do it before we have the first
 10 reading, but I don't think there's anything that
 11 would prohibit us from doing anything but enacting
 12 it. So we couldn't enact it until the second
 13 reading.
 14 So we could probably -- once we get a draft
 15 that you-all would sign off on and agree that it's
 16 going to be an ordinance, submit it for the first
 17 reading, then we can go ahead and -- and send it
 18 off to the Planning Commission, if we have to.
 19 MAYOR EVANS: So our target is to have
 20 a first reading of a revised sign ordinance next
 21 month.
 22 CITY ATTORNEY POTTS: [nods head]
 23 Now, you -- you do realize that any changes we
 24 make in the sign ordinance will not affect what's
 25 here.

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1 COUNCIL MEMBER MILES: Right.
 2 COUNCIL MEMBER TUCCI: Right.
 3 CITY ATTORNEY POTTS: Everything
 4 that's here is going to be --
 5 COUNCIL MEMBER TUCCI: Is here.
 6 CITY ATTORNEY POTTS: --
 7 grandfathered.
 8 COUNCIL MEMBER FULCHER:
 9 Grandfathered.
 10 COUNCIL MEMBER LEONARD: But we
 11 can still leave the sections in that say if there is
 12 any major changes to what's here, then that sign
 13 goes by the wayside.
 14 CITY ATTORNEY POTTS: No.
 15 COUNCIL MEMBER LEONARD: It doesn't
 16 comply.
 17 CITY ATTORNEY POTTS: No. No,
 18 unless -- you -- you can't make it more restrictive
 19 than what they had. If they had 400 --
 20 COUNCIL MEMBER LEONARD: I wasn't
 21 thinking about that so much, but let's say, for the
 22 sake of argument, that the new sign ordinance
 23 comes in and Mortenson's sign over there is no
 24 longer conformant.
 25 CITY ATTORNEY POTTS: Can't touch it.

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1 COUNCIL MEMBER LEONARD: You can't
 2 touch Mortenson's, but let's say Adams Dentistry
 3 buys out the business. Adams' sign doesn't get to
 4 be that large.
 5 CITY ATTORNEY POTTS: Yes, it does.
 6 A nonconforming use is passed on from one user to
 7 another.
 8 COUNCIL MEMBER TUCCI: So if I was
 9 allowed to keep a cow --
 10 COUNCIL MEMBER LEONARD: A
 11 nonconforming --
 12 COUNCIL MEMBER TUCCI: -- the next
 13 person who buys my house can keep the cow, too.
 14 COUNCIL MEMBER LEONARD:
 15 Apparently so, but this also says, [reads] To be
 16 nonconforming, it has to have been legal when it
 17 went in.
 18 CITY ATTORNEY POTTS: Right.
 19 COUNCIL MEMBER LEONARD: So only
 20 the leg -- let me do it another way. Those big
 21 window signs that have clearly been nonconforming
 22 from the day they were erected --
 23 CITY ATTORNEY POTTS: Okay.
 24 COUNCIL MEMBER LEONARD: --
 25 those -- those can go by the wayside.

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1 COUNCIL MEMBER MILES: They're still
 2 nonconforming.
 3 CITY ATTORNEY POTTS: If they're --
 4 if --
 5 COUNCIL MEMBER LEONARD: They're
 6 not -- not nonconforming, because they weren't --
 7 CITY ATTORNEY POTTS: If --
 8 COUNCIL MEMBER LEONARD: -- legal
 9 when they went in.
 10 CITY ATTORNEY POTTS: No.
 11 COUNCIL MEMBER MILES: Right.
 12 CITY ATTORNEY POTTS: They -- they
 13 were never --
 14 COUNCIL MEMBER MILES: Approved.
 15 CITY ATTORNEY POTTS: -- they were
 16 never -- if they were never legal, then -- but then
 17 you have the -- the issue of enforcing that at that
 18 point.
 19 COUNCIL MEMBER LEONARD: I agree.
 20 I agree.
 21 CITY ATTORNEY POTTS: And --
 22 COUNCIL MEMBER BRAB: And it's
 23 sticky.
 24 CITY ATTORNEY POTTS: -- and -- and
 25 you -- you would have -- it -- it gets even stickier,

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1 because then you have the question of whether or
 2 not you knew they were illegal and you didn't make
 3 them take it down; and then when you didn't make
 4 them take down and they sold the business, do
 5 they become nonconforming because you didn't
 6 enforce it against the prior owner? And I think
 7 that's an issue.
 8 COUNCIL MEMBER LEONARD: I think
 9 it's an issue, but I think, also, once we do this, we
 10 can notify places like that that those signs clearly
 11 are an issue.
 12 CITY ATTORNEY POTTS: And you -- and
 13 you need to -- and you need to -- if you -- if you
 14 make that notification, then you need to say, "You
 15 need to take it down."
 16 COUNCIL MEMBER BRAB: Let -- let me
 17 ask: In the process of this, before this reworded
 18 and expanded ordinance is passed, the city puts
 19 up notice saying we're working on this and we're
 20 hiring a code enforcement officer. And, in the
 21 meantime, will we address nonconforming signs as
 22 they exist under our ordinance -- current
 23 ordinance. That gets us away from the sticky
 24 wicket of the grandfathering of some of these --
 25 CITY ATTORNEY POTTS: Assuming that

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1 you, in fact, do --
 2 COUNCIL MEMBER BRAB: If you --
 3 again --
 4 CITY ATTORNEY POTTS: If you do cite
 5 somebody for a nonconforming use --
 6 COUNCIL MEMBER BRAB: But once we
 7 pas this --
 8 CITY ATTORNEY POTTS: Once you pass
 9 this --
 10 COUNCIL MEMBER BRAB: -- everything
 11 else --
 12 CITY ATTORNEY POTTS: -- everything
 13 else is -- it's still there either legitimately
 14 because it's within the definitions of the
 15 ordinance --
 16 COUNCIL MEMBER BRAB: Correct.
 17 CITY ATTORNEY POTTS: -- or you have
 18 failed to enforce the ordinance with respect to a
 19 particular sign or signs, you have that issue of it
 20 being a nonconforming use.
 21 COUNCIL MEMBER TUCCI: So our new
 22 code enforcement person will have a very busy
 23 time for a brief pause writing up --
 24 CITY ATTORNEY POTTS: He very well --
 25 he or she very well could.

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1 COUNCIL MEMBER BRAB: At least they
 2 have to be notified.
 3 CITY ATTORNEY POTTS: Yeah.
 4 COUNCIL MEMBER BRAB: They don't
 5 have to be cited. They can be notified.
 6 CITY ATTORNEY POTTS: Well, I -- I
 7 think you need to cite them.
 8 COUNCIL MEMBER BRAB: Okay.
 9 COUNCIL MEMBER MILES: But there's
 10 nothing that's keeping us from doing that now --
 11 CITY ATTORNEY POTTS: There is
 12 nothing --
 13 COUNCIL MEMBER MILES: -- with police
 14 officers.
 15 CITY ATTORNEY POTTS: -- to keep you
 16 from doing that now with police officers except you
 17 don't have a full compliment --
 18 CHIEF SHERRARD: Yeah.
 19 CITY ATTORNEY POTTS: -- of police
 20 officers.
 21 CHIEF SHERRARD: Smoke and mirrors.
 22 COUNCIL MEMBER BRAB: But -- but it
 23 needs to understand that. That's the point.
 24 CITY ATTORNEY POTTS: And -- and I
 25 think maybe this is something that we ought to put

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1 out in a newsletter as to, you know, generally,
 2 what you're doing so that everybody becomes
 3 aware of it, especially if we decide to go ahead
 4 and start either giving out letters or, even then,
 5 citations.
 6 COUNCIL MEMBER LEONARD: I have a
 7 feeling that we do it with some degree of teamwork
 8 that some of these people will cooperate.
 9 MAYOR EVANS: Well, that's optimistic.
 10 [laughter]
 11 COUNCIL MEMBER LEONARD: Yes, it
 12 is. I have total faith in our residents.
 13 MAYOR EVANS: Should we move on?
 14 COUNCIL MEMBER TUCCI: Yes.
 15 MAYOR EVANS: Comments from citizens,
 16 if you'd like to address the council, please come to
 17 the podium and state your name and your address?
 18 And, generally, we like to ask for the remarks to
 19 be held at three minutes, but -- it's not an ironclad
 20 rule, but that's what we request.
 21 So anyone who would like to address the
 22 council, please come up and do so.
 23 MR. SWAN: I'd be happy to do that, Mr.
 24 Mayor, since you didn't have a -- a willing
 25 participant out there. I'm Bob Swan. My wife,

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1 Roxanne, is with me here. We've lived here for
 2 three years and are very, very proud of this
 3 beautiful City of Prospect.
 4 We're here today with our neighbors, Annette
 5 and Terry Adams and Wendy Anzalone. They are
 6 owners of properties that will be affected by the
 7 MSD project.
 8 So I'd like to present some information to the
 9 council about the MSD Hunting -- Hunting Creek
 10 North Wastewater Treatment Plant Elimination
 11 Project, and to ask for your support for an
 12 alternate route for the line through Sutherland.
 13 This would be to avoid something that Mr. Tucci
 14 mentioned earlier, where we had a loss of -- a
 15 significant loss of trees that were work -- was
 16 worked out with MSD.
 17 We learned of this project in June. It's
 18 actually a project that will proceed from Hunting
 19 Creek down through Sutherland mainly on the
 20 streets, and -- but will go through three private
 21 properties, the -- the owners that are here, as well
 22 as Sutherland Homeowners Association community
 23 property.
 24 We've had two meetings thus far on the
 25 subject with Steve Emly from MSD, the mayor,

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1 Holly. And Stuart Miles has been there, Sandra
 2 Leonard, the Sutherland Homeowners Association
 3 President John Clark, Mr. Tucci, and members of
 4 the Forestation Board, and our neighbors.
 5 Initially it looked like the line that was going
 6 to go through was going to be an open cut line that
 7 would produce a lot of issues through our property.
 8 That was the discussion in the first meeting.
 9 In the second meeting, MSD came back and
 10 said that -- that there -- there were two other
 11 options: One using trenchless technology rather
 12 than the open cut, and the other using a shorter
 13 route along the street, Windham Parkway. The
 14 street route would cost about \$32,500 more than
 15 going through the yards, principally because of
 16 repaving.
 17 And MSD indicated that they couldn't justify
 18 the extra cost since they believed that trenchless
 19 technology will not damage trees, but they did not
 20 totally rule out the street option, intimating that
 21 some form of cost sharing might be considered.
 22 That second meeting concluded with the
 23 parties agreeing -- agreeing to meet again with all
 24 interested people, as well as the MSD inspector, a
 25 representative of the contractor, and an arborist,

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1 our -- our arborist, I guess, to decide the best
 2 option.
 3 Since that meeting, we did our own research
 4 and have found that the -- there are tree
 5 protection zones that require that neither heavy
 6 equipment nor heavy metals compact the soil and
 7 roots along calculated diameters of trees, in our
 8 case, 24- to 40-foot diameters depending on the
 9 size of the affected trees.
 10 Feeder roots of trees are in the top 12- to 18
 11 inches of the soil. If they are compacted, trees
 12 cannot get water, oxygen, or nutrients that they
 13 need to grow, and they'll suffer because of it.
 14 There are 48 mature trees, 24- to
 15 48-inch-diameter trees, along the proposed route,
 16 most of them on community property. And we do
 17 not believe it's worth the risk to use the current
 18 route instead of using the street route.
 19 These trees add to Prospect's shade canopy
 20 and beauty. These big, beautiful trees cannot be
 21 replaced if they're danged, and it's in Prospect's
 22 interest to help keep our city beautiful.
 23 Sutherland represents a significant cons --
 24 constituency of Prospect. We need your help to
 25 convince MSD to take the line down the street

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1 rather than near the trees. We'd like to ask the
 2 city council -- we'd like to ask that the con -- city
 3 council convey a support for the street route to
 4 MSD.
 5 We'd also ask for the city's help in sharing a
 6 portion of those costs. We're also asking the
 7 Sutherland Homeowners Association for its
 8 support, as well, and hope to get the MSD to agree
 9 to some cost sharing, as well as that.
 10 Thank you for your attention. I'd be happy to
 11 answer any questions you have.
 12 COUNCIL MEMBER MILES: Mr. Swan,
 13 what is your con -- concern? What I'm hearing you
 14 say is you're concerned that some type of
 15 equipment driving across your lawn would kill your
 16 trees. Is that the concern?
 17 MR. SWAN: That -- the -- the concern is
 18 very similar to that. It's not necessarily our lawn
 19 it's going to go on. It is -- the community
 20 association has land next to our property that goes
 21 to the creek.
 22 Our property, actually, is adjacent to the
 23 Sutherland Community Clubhouse and -- and -- and
 24 there's a creek that runs along it. On our side of
 25 the creek is more Homeowners Association land,

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1 and then our property.
 2 The concern is twofold. (1) They staked the
 3 other day the area that they proposed to put in
 4 these pits for the trenchless digging.
 5 COUNCIL MEMBER MILES: Uh-huh.
 6 MR. SWAN: That -- those stakes are
 7 about 10-feet wide in one spot and go directly
 8 underneath of five big, mature trees. This is
 9 directly underneath it.
 10 COUNCIL MEMBER MILES: Uh-huh.
 11 MR. SWAN: That's where the tap are for
 12 those trees. They're going to be affected if it
 13 goes down through there.
 14 The -- but the major issue is, as you said, this
 15 heavy equipment coming down through there
 16 compacting the soil; where they place the
 17 materials compacting the soil, can have very
 18 serious damage to those roots. And they -- they
 19 may not show it for years to come. It may take
 20 awhile for this damage to show.
 21 And we can't replace these 50- and
 22 100-year-old trees. They're big and beautiful.
 23 We don't want to lose them.
 24 COUNCIL MEMBER MILES: Because my
 25 understanding was we were going to go and look at

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1 where they did the initial marking of the pits, but
 2 they also said that they have flexibility because of
 3 the technology in terms of where they could move
 4 the pits and move the line.
 5 MR. SWAN: Right.
 6 COUNCIL MEMBER MILES: And we were
 7 also going to get a better idea of the size and
 8 scope of the equipment that would be needed to go
 9 across the property to dig the pits and to pull the
 10 pipe through.
 11 MR. SWAN: Yes, that -- that -- that is
 12 true, but once they put the stakes down, I can --
 13 I -- it'd be very evident to you if you walk down
 14 through there, when you take the measurements,
 15 the -- a -- a tree that is 18 inches in diameter
 16 takes an 18-foot diameter where you don't compact
 17 the soil.
 18 When you walk down through there -- my wife
 19 and I did this today. We walked down and
 20 measured the trees. We found the distances. It's
 21 virtually impossible to go down through there and
 22 not encroach on that diameter on some of those
 23 trees all the way down through.
 24 So I appreciate your point, but it isn't wide
 25 enough to do what I think you're talking -- what

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1 they're talking about.
 2 COUNCIL MEMBER MILES: I'm not
 3 talking about anything.
 4 MR. SWAN: Yeah -- well -- and I
 5 appreciate that. And I do appreciate your being at
 6 both of those meetings, and the mayor and Holly
 7 and Sandra and -- I do appreciate that. Thank
 8 you. Yes, sir.
 9 COUNCIL MEMBER BRAB: Yeah, just --
 10 because I wasn't in the meeting, so I -- for
 11 information purposes, the -- what MSD is
 12 exercising is their right to easement.
 13 MR. SWAN: Absolutely.
 14 COUNCIL MEMBER BRAB: Okay.
 15 MR. SWAN: Yes.
 16 COUNCIL MEMBER BRAB: And the
 17 easements -- the easements I've been involved
 18 with are written that they must substantially put
 19 the property back in the condition to which they
 20 found it --
 21 MR. SWAN: Yes.
 22 COUNCIL MEMBER BRAB: -- including
 23 the trees.
 24 MR. SWAN: Sure. Can you --
 25 COUNCIL MEMBER BRAB: So I'm just

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1 trying to get to a point here.
 2 MR. SWAN: Yes.
 3 COUNCIL MEMBER BRAB: So you
 4 replace -- and I agree with you, a 48-inch-diameter
 5 tree and 100-foot tall is a beautiful thing. That's a
 6 very, very valuable asset.
 7 They should be -- let me put it this way: I
 8 think they will be much more flexible if that
 9 easement is strict enough in the paving issue --
 10 because that's really all you're talking about is
 11 going down the street and paving the street;
 12 correct?
 13 MR. SWAN: Yes.
 14 COUNCIL MEMBER BRAB: I mean, if
 15 they have to replace two years from now a 100-foot
 16 tree, if that's what the easement says, they are --
 17 I'm telling you, they don't want to do that. I -- I've
 18 run into --
 19 COUNCIL MEMBER LEONARD: There
 20 is --
 21 COUNCIL MEMBER BRAB: -- a similar
 22 thing on this in the two easements I've done with
 23 them, and they ended up acceding to pay
 24 [phonetic].
 25 COUNCIL MEMBER LEONARD: There

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1 has been no conversation -- correct me if I'm
 2 wrong -- with the Swans or with the Homeowners
 3 Association, to my knowledge, about any
 4 recompense whatsoever.
 5 COUNCIL MEMBER MILES: Yeah, my --
 6 from my working with them, they don't pay you for
 7 the loss of -- believe me, we have gotten --
 8 COUNCIL MEMBER LEONARD: I hear
 9 you.
 10 COUNCIL MEMBER MILES: -- \$5 million
 11 for all the --
 12 COUNCIL MEMBER LEONARD: Exactly.
 13 COUNCIL MEMBER BOWLING: They give
 14 you -- they give you fair market timber value.
 15 COUNCIL MEMBER MILES: Yeah.
 16 COUNCIL MEMBER LEONARD: Right.
 17 COUNCIL MEMBER MILES: I mean,
 18 they -- I mean, it's -- it is not a tit for tat. This
 19 tree is worth -- if you were -- I mean, you can't
 20 replace a tree like you're describing.
 21 MR. SWAN: That's exactly my point.
 22 COUNCIL MEMBER MILES: Right.
 23 MR. SWAN: My point is it costs a little
 24 bit more to go down the street. I'd like your
 25 support to the MSD to say, "Let's go down the

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1 street. Don't risk those trees." I mean. . .
 2 COUNCIL MEMBER BRAB: Just another
 3 quick question.
 4 MR. SWAN: Sure.
 5 COUNCIL MEMBER BRAB: Compared
 6 to -- and I'm familiar with, I think, the location of
 7 you're talking about. I know Terry and Matt. But
 8 going through -- be -- or is it between Terry and --
 9 is it between your properties?
 10 MR. SWAN: No, if you --
 11 COUNCIL MEMBER BRAB: Yeah, but --
 12 but distance you would go down Windham Parkway,
 13 I mean, the ultimate route that they propose,
 14 what -- I mean, is it the side of the road? Is it in
 15 the middle of the road? Is it. . .
 16 MR. SWAN: I'm -- I'm not sure whether
 17 it's in the si -- I think it's on the side, but I'm not
 18 100% sure of that, but it is 106 feet less distance
 19 to go down the road than it is to go through these
 20 yards.
 21 COUNCIL MEMBER BRAB: Okay. So 106
 22 feet less distance, and it would not shut down the
 23 Parkway.
 24 MR. SWAN: I don't know the answer to
 25 that.

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1 COUNCIL MEMBER LEONARD: It would
 2 shut down at least half of it.
 3 COUNCIL MEMBER BRAB: Excuse me?
 4 COUNCIL MEMBER LEONARD: You mean
 5 while working on it? It would shut down part of it.
 6 COUNCIL MEMBER BRAB: So that
 7 section of road would be shut down totally to all
 8 the residents.
 9 COUNCIL MEMBER LEONARD: For the
 10 period of time it would take for them to work on it.
 11 MS. MCGRAIL: The whole road or one
 12 lane?
 13 COUNCIL MEMBER LEONARD: We don't
 14 know the answer to that.
 15 COUNCIL MEMBER MILES: Yeah, and
 16 that's a good question. I -- I assume it would be
 17 one lane. I didn't get the impression it would shut
 18 the entire road down --
 19 MS. MCGRAIL: Right.
 20 COUNCIL MEMBER MILES: -- but that's
 21 a very good question.
 22 MS. MCGRAIL: Because that's doable if
 23 it's -- if you have one lane, it just becomes a
 24 one-way --
 25 COUNCIL MEMBER MILES: Right.

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1 COUNCIL MEMBER TUCCI: Yeah.
 2 COUNCIL MEMBER BOWLING: The
 3 trenchless that they offered you under --
 4 MR. SWAN: Yes.
 5 COUNCIL MEMBER BOWLING: -- your
 6 tree, is that not an option under the road?
 7 COUNCIL MEMBER MILES: No.
 8 MR. SWAN: No, because there's some
 9 utilities under the road. They said that that's not
 10 why [phonetic].
 11 COUNCIL MEMBER MILES: And -- and
 12 I'm not disagreeing with you, but we all have a
 13 fiduciary duty to the city. And I just want to make
 14 sure that the -- the -- the level of the risk of the
 15 trees.
 16 And -- and, again, that's what we're -- I was
 17 thinking we were going to try and assess with this
 18 next meeting, is just kind of getting a better idea
 19 of what the risk to the trees would be.
 20 MR. SWAN: And I -- I appreciate that --
 21 that viewpoint. It's just -- I'm not going to stand
 22 to lose a tree over the -- over the -- and I'm --
 23 I'm -- and, Mr. Miles, I don't see the sense of
 24 risking. I just don't -- I just don't see that. I'm
 25 sorry, but that -- the more I thought about it, it

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1 just doesn't make sense to take that risk.
 2 COUNCIL MEMBER LEONARD: Actually,
 3 I have a question. I went over tonight and looked
 4 at the flags that they put up. I can't see where the
 5 6-by-6-foot pits are.
 6 MR. SWAN: I -- I -- I don't know for sure
 7 myself, but there is a map that was handed out at
 8 the last meeting, and I have copy of it, that shows
 9 where one is proposed.
 10 COUNCIL MEMBER LEONARD: I'd -- I'd
 11 appreciate the chance, because I -- I walked it
 12 without getting my feet wet, I will admit that,
 13 which is not that easy. So I -- I did not see where
 14 those are going to go.
 15 MR. SWAN: It's -- it's on that map.
 16 COUNCIL MEMBER LEONARD: Okay.
 17 COUNCIL MEMBER BRAB: Just
 18 another -- sorry, but so I get in it my head, the --
 19 what they're talking about, the alternate route, is
 20 106 feet less distance than going through
 21 backyards and the --
 22 MR. SWAN: Yes.
 23 COUNCIL MEMBER BRAB: -- commons --
 24 community center; okay. If we hope, like what
 25 Jackie was saying, it only shuts down one lane,

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1 that wouldn't impede traffic. And what they're
 2 talking about is some cost sharing, they -- of -- of
 3 \$32,000 -- 32,500.
 4 MR. SWAN: Yes.
 5 COUNCIL MEMBER BRAB: And what --
 6 did they delineate what that you sharing would be,
 7 or they just said --
 8 MR. SWAN: They -- no, they --
 9 COUNCIL MEMBER BRAB: -- that you
 10 figure out the -- you figure out where you get the
 11 32?
 12 MR. SWAN: Yeah, they weren't -- they
 13 weren't going to be -- be pinned down on that, but
 14 I -- I was hoping to go for 1/3, 1/3, 1/3, 1/3 for the
 15 city, 1/3 MSD, and 1/3 with the Homeowners
 16 Association, if possible; but that also -- you
 17 brought up a good point.
 18 That -- that plan, that extra cost, did provide
 19 for repaving curb to curb, not necessarily just
 20 the -- the area that they would do, they would cut
 21 on.
 22 COUNCIL MEMBER BRAB: And they're
 23 not getting -- and they're not putting any credit in
 24 for 106 foot less distance of --
 25 MR. SWAN: Well, they did it on a foot-

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1 by-foot calculation.
 2 COUNCIL MEMBER BRAB: Okay.
 3 MR. SWAN: So they -- they actually did;
 4 yeah.
 5 COUNCIL MEMBER BRAB: All right.
 6 Thank you.
 7 COUNCIL MEMBER FULCHER: How
 8 much -- how much of -- property are you talking
 9 about? Is it just private property, yourself, your
 10 adjacent neighbors? And you mentioned that it
 11 was the Homeowners Association that owns a -- a
 12 parcel.
 13 MR. SWAN: Yeah, I -- I don't think I can
 14 really answer the question. The -- the -- because
 15 I don't know exactly where they're going to do
 16 down inside of our property. It's the whole length
 17 of our property back through Homeowners
 18 Association property.
 19 Terry, I'm -- go ahead. I'm sorry.
 20 MR. ADAMS: I think it's approximately
 21 70% private by the looks of it.
 22 THE REPORTER: I'm sorry, sir. Can you
 23 speak up a little? It's approximately --
 24 MR. ADAMS: I said I think it's
 25 approximately 70% private property --

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1 THE REPORTER: Thank you.
 2 MR. ADAMS: -- like 30% Homeowners
 3 Association.
 4 MS. MCGRAIL: I want to say that we're a
 5 tree city. We value our trees, and we particularly
 6 value our mature trees. And even though I live in
 7 Hunting Creek, I never go in Sutherland, it's, you
 8 know --
 9 MR. SWAN: You're welcome.
 10 MS. MCGRAIL: -- I --
 11 [laughter]
 12 MS. MCGRAIL: You know, those trees
 13 mean something to me, too, because of the canopy
 14 that they provide and how -- with their contribution
 15 to the ecology and the beauty of our city.
 16 Whether they happen to be located in
 17 somebody's back yard, our community association
 18 property, or along 42 in a public right-of-way,
 19 those trees have value to us as a city.
 20 MR. SWAN: Yes, ma'am.
 21 COUNCIL MEMBER TUCCI: I -- I guess
 22 I'm just concerned about the -- the fuzziness of
 23 the \$32,000. All I'm hearing is a -- a wish and a
 24 hope that it would be split three ways, but there's
 25 no guarantee --

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1 MR. SWAN: Yeah. Yes.
 2 COUNCIL MEMBER TUCCI: -- from
 3 anybody that what we're not talking about is a
 4 \$32,000 cost to be borne exclusively by the city.
 5 MR. SWAN: No, no.
 6 COUNCIL MEMBER TUCCI: At the same
 7 time that we're talking about that, we're -- and I'm
 8 talking as the person who happens to be married to
 9 somebody who is on the Forestation Board, but,
 10 even so, you can get an awful lot of trees for
 11 \$32,000. We just heard that earlier.
 12 I'm -- I'm really concerned about making any
 13 kind of commitment when we don't have any kind of
 14 firm commitment for any share of that from either
 15 Sutherland Homeowners Association or MSD. I
 16 feel very uncomfortable about the fuzziness of the
 17 responsibility for that.
 18 COUNCIL MEMBER BRAB: Determine it
 19 at the -- have to be determined at the next
 20 meeting; get it in writing.
 21 COUNCIL MEMBER LEONARD: Well,
 22 we're not -- truthfully, the next step is really to
 23 find out where these 6-by-6-foot pits are and to
 24 look at where the tunneling would go; and once
 25 that's determined, to have our arborist look at it

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1 and assess what kind of a tree it is, whether it
 2 needs an 18-foot spread; whether it's a tap root
 3 that goes straight down.
 4 And so I agree with you. It's not only fuzzy in
 5 terms of finances, right now it's fuzzy in terms
 6 of -- of what damage can we readily predict will
 7 occur.
 8 COUNCIL MEMBER MILES: And I think
 9 that's where -- none of us are arborists, and I
 10 think that's where having our arborist there and
 11 relying on her expertise -- and -- and, again,
 12 she is somebody that definitely leans on the
 13 tree-friendly side to just educate us on what she
 14 believes the risk is of going there.
 15 And, again, nobody loves the trees more than
 16 me. I mean, I -- I -- I've developed a few parks.
 17 I've worked hard for trees, but, again, I just want
 18 to have all the information before making a
 19 decision.
 20 Something else that I think you were going to
 21 look into, Holly, was what is the cycle of repaving
 22 that street anyway? Is that something that's two
 23 years down the road, five years down the road?
 24 CITY ADMINISTRATOR LEVOLD:
 25 Windham is about six years out.

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1 COUNCIL MEMBER MILES: So six years
 2 out; okay.
 3 CITY ADMINISTRATOR LEVOLD: I've
 4 got a list.
 5 COUNCIL MEMBER LEONARD: Yeah,
 6 it -- ti's in good condition.
 7 CITY ADMINISTRATOR LEVOLD: Yeah.
 8 COUNCIL MEMBER MILES: She knows if
 9 something is on the list for next year.
 10 CITY ADMINISTRATOR LEVOLD: No, I
 11 really don't. It's not me.
 12 MAYOR EVANS: The 3s are the ones in
 13 worst shape. The 7s and 8s are the ones in the
 14 best shape. This one's a 6.
 15 THE REPORTER: Mr. Evans, I'm sorry. I
 16 can't --
 17 MAYOR EVANS: I'm talking to --
 18 THE REPORTER: Okay.
 19 MR. SWAN: I also had a letter of
 20 support, if I may, just very short. I would like to
 21 suggest that MSD complete the Hunting Creek
 22 Wastewater Treatment Plant Elimination Project by
 23 using the least invasive and/or damage to the
 24 trees. I would also like to ask that the City of
 25 Prospect consider paying a portion of the paving

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1 costs resulting from the project. Thank you,
 2 Loretta Ertle, who is on the Sutherland
 3 Homeowners Association Board now.
 4 We would certainly appreciate your support,
 5 and we appreciate the support you've given us
 6 already. It's just I don't want to leave it to chance,
 7 and I don't want to get hornswoggled by MSD or
 8 anybody else that tell me that they're going to do
 9 something that will not damage trees when I don't
 10 think the science supports what they're saying.
 11 Thank you very much. Any other questions?
 12 MR. SPEAKER: Mr. Swan, how big is the
 13 tunnel they're going to put through?
 14 MR. SWAN: The pipe itself is a 12-inch
 15 pipe.
 16 MAYOR EVANS: Yeah.
 17 MS. KRAMER: I hate to be the devil's
 18 advocate here, because I'm a huge supporter of
 19 trees. And I would highly endorse the city council
 20 and the Forestation Board to write MSD and --
 21 saying how much we would really encourage them
 22 to do everything they can to avoid this, but and
 23 there is a concern about this being private
 24 property.
 25 And here is what it is. Number 1, the city has

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1 zero control over the removal of trees on private
 2 property. You could protect those trees, and the
 3 next owner could take them down. So there's a
 4 little bit of concern to me we spending that much
 5 money of public money on private property,
 6 unfortunately.
 7 So we've run into this. I've helped survey all
 8 these trees to help us become a tree city, and the
 9 sad thing is: Some homeowners don't protect their
 10 trees at all, and we have no guarantee that the
 11 next person will protect those trees.
 12 MR. SWAN: Sure. The majority of these
 13 trees are on Homeowners Association property.
 14 They're not on our property.
 15 MS. KRAMER: And that part -- yeah, that
 16 part I can endorse.
 17 MR. SWAN: And -- yeah. I mean, we
 18 have seven on our property of those 48, so we're
 19 talking -- I mean, it is along the creek those big,
 20 giant trees.
 21 MS. KRAMER: And once they're on
 22 common property, I mean, we could deal with it.
 23 COUNCIL MEMBER MILES: It is a
 24 beautiful grove of trees.
 25 MS. KRAMER: I know what he's talking

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1 about. It is beautiful.
 2 MS. ANZALONE: Well, one thing I'd like
 3 to add to that, too, is that it's -- it's -- it is --
 4 also, as you said, it is on community property, but
 5 it also affects the experience that you have at the
 6 clubhouse that -- and the -- and the pool.
 7 A lot of those trees, once they're gone, it's
 8 going to radically change how that looks when you
 9 are enjoying that property as -- as a subdivision
 10 and as guests of the subdivision. So that's to take
 11 into consideration.
 12 COUNCIL MEMBER MILES: All righty.
 13 THE REPORTER: Ma'am, could you give
 14 your name, please?
 15 MS. ANZALONE: Wendy Anzalone.
 16 THE REPORTER: I'm sorry. What's the
 17 last name?
 18 MS. ANZALONE: Anzalone.
 19 THE REPORTER: Could you spell that?
 20 MS. ANZALONE: A-n-z-a-l-o-n-e.
 21 THE REPORTER: Thank you.
 22 COUNCIL MEMBER MILES: And -- and
 23 something else I think we should have our arborist
 24 look at to see if any of those are ash trees. Is
 25 that -- I mean, in all seriousness. . .

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1 COUNCIL MEMBER TUCCI: Good idea.
 2 COUNCIL MEMBER MILES: I've got two
 3 beautiful genoa [phonetic] ash trees in my -- in my
 4 backyard, you know, and there's just no -- there's
 5 not going to be saving those trees, so
 6 COUNCIL MEMBER LEONARD: You're
 7 absolutely correct.
 8 COUNCIL MEMBER MILES: Okay.
 9 MAYOR EVANS: Bob, I think your three
 10 minutes are up.
 11 MR. SWAN: Yes, sir. Thank you very
 12 much.
 13 MAYOR EVANS: Thank you.
 14 MS. MAUPIN: Would you pass those?
 15 COUNCIL MEMBER LEONARD: I'll be
 16 glad to.
 17 MS. MAUPIN: My last name is Maupin,
 18 M-a-u-p-i-n. My first name is Pat; my husband,
 19 Gene; and my neighbors, the rock -- Stevenson --
 20 Robertsons, Lisa and Steve are here with us.
 21 My husband and I moved on 32 Autumn Hill
 22 Court 27 years ago, August 7th. We love it here,
 23 but our bubble has burst.
 24 On July the 24th, I happened to be gone for
 25 lunch. And when I came home, a sign was erected

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1 in my face, "Private property. No trespassing."
 2 Autumn Hill Court is a street. Part of it backs up
 3 to the property between John Hancock Place, the
 4 open park on a hill.
 5 I called city hall. I spoke to a gentleman
 6 named Jeff, who I believe might be you. I'm not
 7 sure. And I told him who I was, and I asked him
 8 could he please explain to me what had happened
 9 after 27 years that the property was private
 10 property, no trespassing?
 11 He said, "Ms. Maupin, the only thing I can tell
 12 you is we have heard that there are teenagers at
 13 the end of Autumn Hill Court having parties and
 14 going onto the park part and littering; and then
 15 we've also heard that there are sinkholes."
 16 Well; I think everybody on John Hancock Place
 17 knows where the party is. It's at the north end of
 18 John Hancock Place. They have a teenager there
 19 that is causing all of them a lot of problems.
 20 And I think a lot of the sinkholes are caused
 21 because right after they part -- John Hancock
 22 Place, the property between us, they planted 40 or
 23 50 trees. And there were trees that did not have a
 24 very ni -- long life span. So with the winter of the
 25 bad ice and the big windstorm, most of the trees

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1 were blown to bits and look like the devil.
 2 So there -- it's expensive to mo -- remove
 3 trees, but they came in about three months apart
 4 and would take out four, they'd take out the
 5 stumps; then they would wait three or four months,
 6 they'd take out four, remove the stumps.
 7 Towards the end, they quit removing the
 8 stumps. So the stumps were up on the ground, and
 9 it rotted. And that is what we think are the sink
 10 holes. The men that cut the grass fly through
 11 there and have no problem whatsoever.
 12 I did call the president of the John Hancock
 13 Place, and I was mad. I will admit it. And we said
 14 a few words. She let me know that I had no right;
 15 that John Hancock was private property, and that I
 16 can call city hall, Hunting Creek, I can call
 17 Timbuktu, but they own the property. It was
 18 private, and I could do nothing about it, and
 19 you-all would not help me.
 20 So my husband and I decided we're going to
 21 see what we can find out. So I came down here
 22 and I talk to Holly, and I told Holly my problem. I
 23 said, "Would you want that sign in your face?" And
 24 I'm not going to tell what you she said, but,
 25 anyway, I asked her. She said she would talk to

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1 the board about it.
 2 So my husband and I got deed -- copies of the
 3 deeds. When Mr. Hettinger sold us our property,
 4 he told us that that parcel of land between John
 5 Hancock Place and Autumn Hill would always be
 6 open space as a park.
 7 Looking at deed books that the Somers
 8 [phonetic] sold to the City of Prospect, Deed Book
 9 5327, Pages 729 and 730, it states on Page 730
 10 that the premise, [reads] Shall not have any
 11 buildings on it, and it shall stay as an open space
 12 or a park.
 13 Then when the City of Prospect sold the
 14 property to John Hancock Place, the Deed Book
 15 5792, Page 880 and 81, on Page 81 -- 881 it says
 16 the same thing. [reads] There will be no buildings
 17 built on that space. It will remain an open space
 18 and a park.
 19 The pictures show you what it looks like from
 20 my balcony or deck or whatever the hell you want
 21 to call it, my kitchen window, where you come in
 22 my driveway. It is an embarrassment. It is a
 23 smack in the face.
 24 If John Hancock Place had wanted to do that,
 25 why didn't they in good neighbor -- be a good

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1 neighbor, send us a notice saying they were having
 2 trouble with teenagers. They were having trouble
 3 with sink holes, which I don't believe a darn word
 4 of it.
 5 And why didn't they say, "Let's get together
 6 and see what we can't do to work this out," Instead
 7 of one day sticking that sign insulting you up in
 8 your face? Now, I want to tell you, there's a right
 9 and there's a wrong way to do things, and that was
 10 absolutely the wrong way.
 11 We're 84 and 85, so you know how much
 12 longer we've got to live on -- in our lovely place on
 13 Autumn Hill. And if you can do anything to get
 14 that G-D damn sign moved to the back of the field,
 15 I don't care where you put it, I'd appreciate you
 16 doing something.
 17 COUNCIL MEMBER MILES: Thank you,
 18 ma'am.
 19 MS. MAUPIN: Oh, I want my pictures
 20 back.
 21 COUNCIL MEMBER MILES: Thank you
 22 very much.
 23 MAYOR EVANS: Yes, ma'am.
 24 MS. EMBRY: Mayor Evans, members of
 25 the council, my name is Carolyn Embry. I live on

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1 Weyanoke Court in Hunting Creek. My husband
 2 and I have moved there for 12 years, and we love
 3 our community.
 4 Our home backs up to the woods and to the
 5 Harrods Creek Hiking Trail, and we -- we can't
 6 actually see the trail from our house, but we can
 7 see the house from our trail once we've learned
 8 where to look through the trees.
 9 I just wanted to express that the development
 10 of the hiking trails in Prospect has been a
 11 tremendous asset to our community. I hike the
 12 Hunting Creek Trail, the Harrods Creek Trail often,
 13 and almost always encounter other people walking
 14 and enjoying the trails: Couples, young families
 15 with children, people walking their dogs, the
 16 occasional runner, the occasional person toting a
 17 fishing pole, many people enjoy the beautiful trails
 18 that have been presented to us. And I never walk
 19 the trail without thinking how very fortunate we are
 20 to have this treasure right in our own back yards.
 21 So I -- I -- I just really wanted to thank you
 22 and to thank all of the people who have been
 23 instrumental in developing the trails, maintaining
 24 them, and improving upon them. That includes, of
 25 course, kudos to Stuart Miles for your leadership

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1 and to all the volunteers who have spent countless
 2 hours of maintaining and improving them. And
 3 hats off to the wonderful Boy Scouts and Eagle
 4 Scouts for all the work that they've done.
 5 I really think that not only are these trails
 6 valuable to the residents that live here now, but
 7 that they will be a powerful attraction to people
 8 looking to relocate and to current homeowners,
 9 a -- a valuable selling tool for people putting their
 10 homes on the market.
 11 So just thank you once again for your support
 12 as a council for giving us this wonderful gift that I
 13 hope we can enjoy for many years to come. Thank
 14 you.
 15 MAYOR EVANS: Thank you, Ms. Embry.
 16 MR. GLEESON: Mr. Mayor, council men
 17 and women, my name is Shane Gleeson. I live in
 18 Hancock Place over in Sutherland. And I've just
 19 had my phone stolen completely from me, so I
 20 would like to offer an extreme thank you for the --
 21 those last comments, and -- and I have very little
 22 to add.
 23 I was fortunate enough to have -- being at the
 24 opening of the last trails that were opened in the
 25 park system, and it was an experience I won't soon

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1 forget. Seeing volunteers that were there guiding
 2 people through that day, meeting the young scouts
 3 that were involved with -- with the projects. I just
 4 found it absolutely astounding.
 5 I -- I'm not somebody who stands up and talks
 6 in front of people at all, but it -- it was something
 7 that I felt, just as the previous speaker did, felt I
 8 wanted to come and thank you-guys, because
 9 citizens or people, private individuals, companies,
 10 whatever, can't make parks come about. It has to
 11 come from a body, a municipality, a city.
 12 Your leadership here have given us these
 13 things, and it's fantastic. They're first class
 14 things. You might detect a little bit of accent. I'm
 15 not originally from around here. Happy to be a
 16 resident for almost ten years here in Sutherland.
 17 I'm from another country, one on the edge of
 18 Europe, called Ireland.
 19 And we like our parks there a lot, too, but I've
 20 had friends and family come from all over the
 21 country and from my own little old home of Ireland
 22 come here and have been blown away by what we
 23 have here in our back yard. It truly is a treasure.
 24 I would also like to echo the comment on the value
 25 that I think this -- this -- and yours, to all of us as

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1 -- as people who live here.
 2 I think in a couple of years time when the
 3 penny drops within our society about the
 4 importance of health and welfare and well being
 5 for our population in general, think of communities
 6 who are going to scramble to have this sort of
 7 facility available for their citizenry. We've got it
 8 already, and we've got it in spades, and we've got
 9 the best way imaginable, natural trails which are
 10 far better than artificial walking things.
 11 I think of people getting fit walking on
 12 treadmills. No offense to the fitness community,
 13 but that's kind of rat-racy, isn't it, standing on a
 14 machine to go absolutely nowhere, where here, in
 15 our backyard, we have beautiful trails that bring us
 16 through, you know, the very best of -- of the city.
 17 So, once again, thank you. And to echo --
 18 echo what's already been said, for -- for taking the
 19 leadership and having the foresight to put in place
 20 something that I think makes this place truly a tree
 21 city and -- and a place that, you know, I'm -- I'm
 22 delighted to call home, and I'm very proud to show
 23 off to anybody that I can drag from overseas to
 24 come and -- and hang out with us. Thank you.
 25 MAYOR EVANS: Did you say you're

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1 Shane Gleeson?
 2 MR. GLEESON: Yes.
 3 MAYOR EVANS: I thought so. Thank
 4 you. I just wanted to get that straight.
 5 MR. GLEESON: Thank you.
 6 COUNCIL MEMBER MILES: Thank you,
 7 Mr. Gleeson.
 8 MR. WILLIAMS: I'm Martin Williams. I
 9 live 7303 Fox Bluff, next door to Sandy and Lee.
 10 And I have a couple questions for the council.
 11 The first is: Is there any arrangement for
 12 dedication of property adjoining the parks to be
 13 dedicated for tax relief or some other some
 14 provision? And second question is: Is there any
 15 guidance provided to or from our landscaper --
 16 landscape consultant regarding the use of toxic
 17 chemicals for turf remediation? And the reason I
 18 mention that is because of pets and children.
 19 Open to you.
 20 MAYOR EVANS: On the second point, I'm
 21 glad you raised that, and I will raise that with her
 22 tomorrow.
 23 MR. WILLIAMS: Okay.
 24 MS. MCGRAIL: I think I can actually
 25 answer that. The turf -- where we have to kill the

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1 old turf and the weeds are on community entrances
 2 and medians, which, first, children are not
 3 generally playing on, but that we will be using
 4 Roundup, which is the least toxic, least persistent
 5 herbicide that you can use. And that is the
 6 standard --
 7 MR. WILLIAMS: Well, I -- I --
 8 MS. MCGRAIL: -- that is used.
 9 MR. WILLIAMS: -- I've had a bad
 10 experience with Roundup, so I -- I just disagree,
 11 but that's all right.
 12 MS. MCGRAIL: It's -- it -- it's the lesser
 13 among the evils.
 14 MR. WILLIAMS: Well, I -- I --
 15 MS. MCGRAIL: And, I mean,
 16 herbicides --
 17 MR. WILLIAMS: -- I wouldn't be
 18 surprised, but it's still horrible.
 19 MS. MCGRAIL: It's a one-time use to --
 20 to get a clear seed bed to start over. I wouldn't
 21 choose to use it on my yard where my children and
 22 pets are playing, but I think a one-time use in
 23 these public spaces is -- is called for.
 24 MR. WILLIAMS: All right. Do you know
 25 what the persistence is?

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1 MS. MCGRAIL: Not offhand, but I -- I did
 2 study it in my master gardener studies --
 3 MR. WILLIAMS: I -- I unintentionally --
 4 MS. MCGRAIL: -- and the comparison of
 5 other alternative herbicides.
 6 MR. WILLIAMS: I was unintentionally
 7 exposed to it, and I found it to be a power
 8 neurotoxin, and it -- it persisted for years. So
 9 I'm -- I'm not thrilled about Roundup, but if -- if
 10 there's nothing else you can do, then there's
 11 no. . .
 12 MAYOR EVANS: Sir, would you restate
 13 your first question?
 14 MR. WILLIAMS: Is there any mechanism
 15 set up for property owners adjoining the parks to
 16 dedicate their properties to the parks for -- in
 17 return for tax relief or -- as part of the estate of
 18 something like that?
 19 CITY ATTORNEY POTTS: I mean, I don't
 20 think there's anything that has been discussed
 21 about that, but that's certainly something that a
 22 land owner could do. And the city could accept
 23 additional property to be a part of a park, but, I
 24 mean, it would have to be open to the public.
 25 MR. WILLIAMS: Uh-huh. Yeah. Yeah, it

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1 might be a good idea for the city to establish
 2 something so people could see what they could do.
 3 COUNCIL MEMBER MILES: I'll be happy
 4 to -- to head that up for you and look into that.
 5 MAYOR EVANS: Susan, what took you so
 6 long?
 7 MS. NICHOLSON: Good evening. My
 8 name's Susan Nicholson. I live at 6801 Gunpowder
 9 Lane, and I just have two quick thank yous.
 10 One is just to echo what Carolyn said and the
 11 other gentleman's comments. They said it far
 12 better than I could, but I just want to echo those.
 13 And the second is a thank you to whoever's
 14 put up new stop signs. They -- I've noticed them
 15 in the entrance of Fox Harbor. I don't know if
 16 beautification, if it's Ron, if it's Holly. There's
 17 new stop signs.
 18 And it's funny how -- it's kind of like a fresh
 19 coat of paint in a room in a house. It's something
 20 that you've -- didn't notice how bad it was until it's
 21 replaced, and they're wonderful. So I just wanted
 22 to thank the city for that.
 23 MAYOR EVANS: You're welcome.
 24 MR. ROBERTSON: My name is Steve
 25 Robertson. I'm actually the neighbor of the lady,

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1 Ms. Maupin, who was speaking earlier about the
 2 sign.
 3 I don't really have a whole lot more to tell you
 4 about, and I'm sorry to take up your time for it,
 5 because it's really -- I don't know whether it's
 6 really a city matter or not.
 7 It's on private property. They can do what
 8 they like to do, but it is pretty disturbing, because
 9 our hou -- our -- from Autumn Hill, to get to
 10 their -- to get to that property that they're talking
 11 about where there's no trespassing, you have to
 12 come through my yard or her yard or somebody
 13 else that is private property.
 14 I understand if you have an access that's on a
 15 road that says, "Hey, you know, this is private
 16 property," but we're talking about behind
 17 somebody's private property where this sign is. It
 18 doesn't make a lot of sense.
 19 COUNCIL MEMBER MILES: Is your issue
 20 the sign, or is the -- or is it the sign and the fact
 21 you can't go on that property?
 22 MR. ROBERTSON: I've lived there 23
 23 years. I have probably been on that property five
 24 times.
 25 COUNCIL MEMBER MILES: So it's more

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1 the sign --
 2 MR. ROBERTSON: Yes, it has nothing --
 3 COUNCIL MEMBER MILES: -- is the
 4 issue.
 5 MR. ROBERTSON: -- to do with the
 6 property.
 7 COUNCIL MEMBER MILES: Gotcha.
 8 MR. ROBERTSON: And I don't know --
 9 I'm not sure what -- you know, what -- I don't know
 10 what kind of feedback you-guys got, but it's. . .
 11 COUNCIL MEMBER MILES: And is it
 12 your perception that the people that put the sign
 13 up, not because of you and -- and your neighbor,
 14 Ms. Maupin, they put it up -- I -- I don't picture
 15 either of you frolicking through their --
 16 MR. ROBERTSON: No.
 17 COUNCIL MEMBER MILES: -- yard, so
 18 my guess is it's just your -- it's somebody else
 19 who's -- they're saying is crossing your property
 20 and going onto their property.
 21 MR. ROBERTSON: I -- I don't know. I
 22 mean, that would be my assumption, but I -- we
 23 don't have people coming through our property. I
 24 mean, we're in Hunting Creek. I mean, we're in --
 25 in a subdivision.

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1 COUNCIL MEMBER LEONARD: Why do
 2 you think they put the sign out?
 3 MR. ROBERTSON: If they -- if they
 4 think that there is liability back there because of
 5 so-called sink holes or whatever, and there very
 6 well could be, because I've -- I've been back
 7 there, but the problem is -- is that sign, you know,
 8 if you're -- you're a lawyer, you know that a sign
 9 cannot protect you from -- if somebody trips and
 10 gets hurt, they're going to sue you.
 11 I mean, it -- the sign, you -- it's like putting a
 12 sign on your car and saying, "Well, I'm not liable
 13 for any kind of accident that I have." Well, that
 14 doesn't get very far.
 15 CITY ATTORNEY POTTS: Actually, a
 16 sign on property like that has just the reverse
 17 effect. There's a state statute --
 18 MR. ROBERTSON: That -- because they
 19 know --
 20 CITY ATTORNEY POTTS: But there's --
 21 MR. ROBERTSON: -- that there's
 22 problems there.
 23 CITY ATTORNEY POTTS: Well, there's a
 24 state statute that says that if you have property
 25 that's open to the public, that you're not liable for

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1 it if the public gets injured on it.
 2 COUNCIL MEMBER MILES: That's why
 3 our parks, once we made them a park and opened
 4 them up, they're actually less liable -- liability for
 5 the city --
 6 MR. ROBERTSON: I understand.
 7 COUNCIL MEMBER MILES: -- than if you
 8 put a fence around them and try to keep people
 9 out.
 10 MR. ROBERTSON: Thank you.
 11 COUNCIL MEMBER: Whose -- whose
 12 property is it? I -- I'm a little bit confused.
 13 MR. ROBERTSON: It's on -- it -- from
 14 what I understand, it's owned by the -- the John
 15 Hancock Association. It's -- it's their homeowner.
 16 And they -- you know, the -- the City of Prospect
 17 at one time owned it, and I think they didn't want
 18 the upkeep of it. So they. . .
 19 But I -- if -- if there's somebody from John
 20 Hancock, they might tell you a whole lot more than
 21 I can. But I think it was sold to them, so it --
 22 because it was adjacent to them, and they -- and I
 23 think they're binded to keep it -- you know, upkeep
 24 it, which they do. It's great.
 25 MS. MAUPIN: Well, we're concerned that

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1 we -- in a couple years when we're going to have
 2 to sell with a stupid sign standing there, what is
 3 the prospect -- I don't know a thing. What are
 4 they going to think? Are we moving into an area
 5 that is -- has gotten neighbors that are such
 6 jackasses they put up a sign like that?
 7 [laughter]
 8 MS. MAUPIN: God almighty, no wonder
 9 there are wars that are --
 10 MAYOR EVANS: This gentleman has the
 11 floor over here.
 12 MR. ROBERTSON: Well, she's -- she's
 13 84 years old.
 14 MAYOR EVANS: You have the floor.
 15 MR. ROBERTSON: I do. And I'll -- if
 16 you've got any other questions, I'll be glad to
 17 answer them.
 18 CITY ATTORNEY POTTS: So, Steve,
 19 just -- can I call you Steve?
 20 MR. ROBERTSON: Sure.
 21 CITY ATTORNEY POTTS: So if the sign
 22 came down, you have no other issues with --
 23 MR. ROBERTSON: No.
 24 CITY ATTORNEY POTTS: -- the property
 25 you're trying to encumber [phonetic].

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1 MR. ROBERTSON: No, not at all. Never
 2 have had any issues --
 3 CITY ATTORNEY POTTS: Gotcha.
 4 MR. ROBERTSON: -- you know.
 5 COUNCIL MEMBER MILES: And, Grover,
 6 from what you've heard and know, I don't want to
 7 put you on the spot, but is any of this making any
 8 sense about what pass-through in terms of that
 9 being an open space?
 10 CITY ATTORNEY POTTS: It -- it -- I'm
 11 going to ask Ms. Maupin if she'll let Holly copy
 12 those deeds, and I'll be happy to look at them.
 13 MR. ROBERTSON: I don't want to take
 14 any more time. Thank you.
 15 COUNCIL MEMBER MILES: Thank you
 16 very much.
 17 MAYOR EVANS: Any other people that
 18 would like to address the council?
 19 MR. ANDERSON: Walt Anderson, 7304
 20 Fox Bluff Place, Prospect, Kentucky.
 21 First of all, I'm really impressed with this
 22 council. Do you know -- I've never heard -- I
 23 didn't know they had all this sign language. I
 24 didn't know they knew sign language.
 25 [laughter]

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1 MR. ANDERSON: Really good. They did
 2 it, but. . .
 3 [laughter]
 4 MR. ANDERSON: I'm here to be in praise
 5 of the park system, too. I have 18 -- 14 large
 6 trees in my backyard. Moved here in '87 and took
 7 out 18 trees and left 14, and I've got a canopy now
 8 that's just wonderful.
 9 Have you ever laid on -- on your back and
 10 looked at the sky through the leaves? It is
 11 fantastic.
 12 We've used the park several times, especially
 13 the -- the Harrods Creek Park. There's a nice
 14 waterfall back there. There's some deeper water
 15 in a spot or two.
 16 I find the trail at A-71 just about the right
 17 length. You know, you -- you -- you -- you get all
 18 the way there, and you stand around and look a
 19 little bit, and then you're ready to come back. And
 20 there's a crane rookery back there that is quite a
 21 sight to see.
 22 I'm just very, very glad that we have such a
 23 thing, and I hope we just keep on going and keep
 24 improving it.
 25 COUNCIL MEMBER MILES: Pretty soon

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1 we'll have a swing for you so you can swing back
 2 there.
 3 MR. ANDERSON: I'm an old swinger
 4 anyway.
 5 [laughter]
 6 MAYOR EVANS: Dick, did you want to
 7 say something? You started --
 8 MR. DICK: No, I think everything's been
 9 said that needs to be said.
 10 MAYOR EVANS: All right. Well, are we
 11 finished?
 12 [no audible response]
 13 MAYOR EVANS: If so --
 14 COUNCIL MEMBER: I move we adjourn.
 15 COUNCIL MEMBER: Second.
 16 MAYOR EVANS: -- we'll entertain a
 17 move -- moved and seconded. All in favor.
 18 COUNCIL MEMBERS: Aye.
 19 MAYOR EVANS: The meeting is
 20 adjourned.
 21 [WHEREUPON, the City Council Meeting
 22 concludes at 9:01 p.m.]
 23 .
 24 .
 25 .

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1 CAPTION
 2 The Meeting in the matter, on the date,
 3 and at the time and place set out on the title page
 4 hereof.
 5 It was requested that the Hearing be
 6 taken by the reporter and that same be reduced to
 7 typewritten form.
 8 .
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 25 .

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1 CERTIFICATE OF REPORTER
 2 STATE OF KENTUCKY AT LARGE:
 3 I, ROSE MARY KITHCART, RPR, Notary
 4 Public for the State of Kentucky at Large, do
 5 hereby certify that the foregoing was reported by
 6 stenographic and mechanical means, which matter
 7 was held on the date, and at the time and place
 8 set out in the caption hereof and that the
 9 foregoing constitutes a true and accurate
 10 transcript of same.
 11 I further certify that I am not related to any of
 12 the parties, nor am I an employee of or related to
 13 any of the attorneys representing the parties, and
 14 I have no financial interest in the outcome of this
 15 matter.
 16 GIVEN under my hand and Notarial seal this
 17 _____ day of _____, 2014.
 18 .
 19 My Commission Expires: Notary Public
 20 .
 21 AUGUST 27, 2017 .
 22 .
 23 Notary ID: 494347
 24 .
 25 .